

# HOUSE OF REPRESENTATIVES—Monday, October 19, 1987

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May we sense Your spirit, O God, in the special moments when Your voice speaks to us the words of peace, whether in the quiet of prayer, or in a moment of silence or even in the midst of the rush of daily events. Teach us to respect those moments when Your voice is heard—admonishing us, correcting us, forgiving us, and always, loving us, now and evermore. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H.R. 1777. An act to authorize appropriations for fiscal years 1988 and 1989 for the Department of State, the United States Information Agency, the Voice of America, the Board for International Broadcasting, and for other purposes;

H.R. 2342. An act to authorize appropriations for the Coast Guard for fiscal year 1988, and for other purposes;

H.R. 2893. An act to reauthorize the Fishermen's Protective Act; and

H.J. Res. 234. Joint resolution to designate the month of November in 1987 and 1988 as "National Hospice Month."

The message also announced that the Senate insists, upon its amendment to the bill (H.R. 1777) entitled "An act to authorize appropriations for fiscal years 1988 and 1989 for the Department of State, the United States Information Agency, the Voice of America, the Board for International Broadcasting, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. HELMS, and Mr. LUGAR to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 317) entitled "An act to amend the Wild and Scenic Rivers Act by designating a segment of

the Merced River in California as a component of the National Wild and Scenic Rivers System."

The message also announced that the Senate has passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 53. Joint resolution to designate the period commencing November 22, 1987, and ending November 28, 1987, as "American Indian Week";

S.J. Res. 144. Joint resolution designating the week beginning October 18, 1987, as "Financial Independence Week";

S.J. Res. 168. Joint resolution designating the week beginning October 25, 1987, as "National Adult Immunization Awareness Week";

S.J. Res. 171. Joint resolution designating the week beginning November 8, 1987, as "National Women Veterans Recognition Week"; and

S.J. Res. 198. Joint resolution to designate the week beginning on November 2, 1987, and ending on November 8, 1987, as "National Tourette Syndrome Awareness Week."

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, October 16, 1987.

HON. JIM WRIGHT,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House on Friday, October 16, 1987 as follows:

(1) At 3:41 p.m. and said to contain a message from the President wherein he transmits draft legislation entitled, "Criminal Justice Reform Act of 1987", and an accompanying section-by-section analysis; and

(2) At 5:59 p.m. and said to contain a message from the President whereby he certifies that statutory requirements have been satisfied with respect to the production of chemical binary weapons.

With great respect, I am,

Sincerely yours,

DONNALD K. ANDERSON,  
*Clerk, House of Representatives.*

## CRIMINAL JUSTICE REFORM ACT OF 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-117)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the

Committee on the Judiciary and ordered to be printed:

(For message, see proceedings of the Senate of Friday, October 16, 1987, at page S14528.)

## CERTIFICATION OF STATUTORY REQUIREMENTS FOR PRODUCTION OF CHEMICAL BINARY WEAPONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-118)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Armed Services and ordered to be printed:

*To the Congress of the United States:*

Pursuant to section 1233 of the Department of Defense Authorization Act, 1984 (Public Law 98-94), I hereby certify with respect to the binary chemical munitions program that for each 155 millimeter binary artillery shell or aircraft-delivered binary aerial bomb produced a serviceable unitary artillery shell from the existing arsenal shall be rendered permanently useless for military purposes.

Pursuant to section 1411 of the Department of Defense Authorization Act, 1986 (Public Law 99-145), as amended, I hereby certify with respect to the 155mm Binary Chemical Artillery Projectile that:

(1) final assembly of such complete munitions is necessitated by national security interests of the United States and the interests of other NATO member nations;

(2) performance specifications and handling and storage safety specifications established by the Department of Defense with respect to such munitions will be met or exceeded;

(3) applicable Federal safety requirements will be met or exceeded in the handling, storage, and other use of such munitions; and

(4) the plan of the Secretary of Defense for destruction of existing United States chemical warfare stocks developed pursuant to section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145), is ready to be implemented.

I note with regard to the fourth numbered paragraph above that the plan, submitted to the Congress on March 15, 1986, recognized and included the ongoing actions to comply with the National Environmental Policy

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Act as an essential element of the decisionmaking process. Therefore, the initial steps for implementation of the plan for destruction of the existing United States chemical warfare stocks have already been taken with the filing of the draft programmatic environmental impact statement in July 1986.

I am pleased to make this certification on a program so vital to our national security. We continue to seek a global, effectively verifiable ban on chemical weapons. Until we achieve that goal, however, it is essential that we maintain a safe, modern chemical weapon stockpile to deter use of chemicals by our potential adversaries. I will be counting on your continued support for this program.

RONALD REAGAN.

THE WHITE HOUSE, October 16, 1987.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. This is the day for the call of the Consent Calendar.

There are no bills on the Consent Calendar.

#### PRESSURE FOR STABILIZED BUDGET

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, the stock market nosedived last week, and it is in chaos today. It was down 134 the last time I heard. It may very well come back, but there are two reasons for the incredible volatility we have seen over the last 5 days.

First of all, for the last 5 years this economic recovery has been running on borrowed money and borrowed time, and a lot of air that kept the system in the stratosphere is now being let out.

Second, the markets are afraid that we have a Government which is simply not in control of events. What is happening in the market today ought to tell the White House that waiting for Gramm-Rudman to put the Government on automatic pilot is simply not enough in this situation.

We desperately need the President to call leaders of both parties down to the White House, put them in a room and say, "Boys, we are going to work out a 2-year budget and trade deal to try to prevent an economic collapse."

The greatest gift that this President and this Congress could give to the next President is a stabilized budget situation, so that the new administration can deal with the whole range of new problems facing our economy and our society.

Unless the President places his administration and the congressional leadership together in a desperately

needed compromise on the budget, we are going to see more of the kind of instability that we have seen in the last 3 weeks, and risk turning the next 4 years into a period of very messy damage control.

#### SUPPORT FOR PRESIDENT'S RETALIATORY ACTION AGAINST IRAN

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, "Loose lips sink ships" is not just a World War II theme, but can be applied to the situation in the Persian Gulf today.

We should be supporting the retaliatory measure taken by the President of the United States.

I am not afraid of retaliation by the Iranian terrorists at this point. I am more afraid of loose lips on the floor of the House or of the other body in which they would not be supporting the President of the United States 100 percent.

That kind of a signal could result in giving courage to the Iranian terrorists to continue the escalation of the conflict in the Persian Gulf.

Loose lips sink ships only because the Iranians who watch what happens on the floor of the Congress can gain some sort of aid from the fact that Members of Congress themselves seem not to be supporting the President of the United States.

Let us turn these loose lips into full support of the President's retaliatory action.

#### SUPPORT FOR GOVERNMENT ACTION IN PERSIAN GULF

(Mr. BONIOR of Michigan asked and was given permission to address the House for 1 minute.)

Mr. BONIOR of Michigan. Mr. Speaker, I rise this afternoon in strong support of my Government's action in the Persian Gulf.

Mr. Speaker, I think it has to be made clear to the Iranian Government that when American flags, American sailors or American servicemen are attacked, that we in this country will stand by them, that we will do everything in our power to make sure that they are protected and protect themselves.

I commend the Government's prudent, and it seems well-placed, retaliatory measure, and I hope that this sends a signal to those who think it easy and expedient to tread upon those who would fight for their country and this country's flag.

#### UNITED STATES REPRISAL AGAINST IRAN

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, a strong policy in the Persian Gulf would have Congress and President working together, as provided by American law.

It is time for the administration to get straight with Congress and the American people and to invoke the War Powers Act.

How can 4 U.S. Navy warships lob 1,000 5-inch shells at 2 armed Iranian installations, destroying them totally, without being involved in hostilities?

The administration gave the Iranians 20 minutes notice that we were going to attack. But they still haven't given Congress notice that we are involved in hostilities under the War Powers Act.

Mr. President, the Iranians know we're in hostilities. Our soldiers know we're involved in hostilities. It's time for the Reagan administration to admit to Congress and the American people that we're involved in hostilities.

What will it take, Mr. President? How long will you wait to admit that our forces are involved in hostilities?

The problem is not over in the Persian Gulf, and the matter is not closed.

When you are making war on Iranians, Mr. President, it's not over because you won the latest battle.

The fat lady may not sing until we're involved in a full-scale conflict with Iran.

We are getting deeper into confrontation with Iran every week.

This is precisely the kind of situation the War Powers Act was designed to deal with.

Hasn't the Reagan administration learned anything from its Irancon adventure with the Ayatollah? It's not a good idea to do an end-run around American law when dealing with Iran.

#### PRESIDENT MUST NEGOTIATE WITH CONGRESS OVER BUDGET DEFICIT

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, I rise to voice yet another warning about the relationship between the health of the economy and the budgetary stalemate.

Three weeks ago, I expressed disappointment over the Gramm-Rudman conference agreement. The budget cuts it schedules for 1988 and 1989 are too small. They are about half of what they should be. Even so, President Reagan refuses to set aside political pride and negotiate in earnest with Congress on the budget.

I warned at that time that, without an indication that meaningful deficit reduction is going to take place, pressure on the dollar and interest rates will continue to mount, our trading partners will continue to resist calls to stimulate their economies, and the financial markets will continue to reel.

The stock market's plunge is the most graphic evidence to date that it is high time the President abandon his dangerous political gamble with the world economy and negotiate with Congress over meaningful cuts in the budget deficit.

□ 1215

#### MEDICARE PREVENTION TESTS FOR CANCER

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, everyone, certainly including myself, is very pleased that Nancy Reagan is doing so well; doctors say that she has a 95- to 100-percent chance of survival and that the prognosis is excellent. We are all thrilled about that.

One of the reasons she is doing so well and her cancer is probably cured is because she had a mammogram in her annual checkup.

Mr. Speaker, 20 years ago 1 out of 20 women acquired breast cancer. Today the figure is 1 out of 9.

In Medicare, it does not include prevention. It does not include a free mammogram or screening for women, but it will include coverage to an extent for the surgery.

We could save an awful lot of lives if we would only include a prevention mammogram in the Medicare Program.

Mr. Speaker, we had in the catastrophic bill a minimum program related to mammograms. It was taken out. I really urge this Congress to either put that provision back in or pass the bill that I have introduced for the last 6 years, H.R. 2935, which would include in Medicare coverage this type of situation.

Nancy Reagan is not the only woman who should have this kind of coverage. Every older woman should have this and certainly older men as well with respect to screening and other kinds of cancer screening; so I am hoping that this killer of women will be arrested by an ounce of prevention and Congress has the opportunity to do something about this dreadful disease.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I the Chair announces that he will postpone further proceedings today on each

motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, October 20, 1987.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3071

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of the bill, H.R. 3071.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

#### VETERANS OMNIBUS HEALTH CARE AMENDMENTS OF 1987

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3449), to amend title 38, United States Code, to improve health-care programs of the Veterans' Administration, as amended.

The Clerk read as follows:

H.R. 3449

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. NONPROFIT RESEARCH CORPORATIONS.

(a) AUTHORITY OF ADMINISTRATOR.—Chapter 73 is amended by adding at the end the following new subchapter:

#### "SUBCHAPTER VI—RESEARCH CORPORATIONS

"§ 4161. Authority to establish; status

"(a) The Administrator may authorize the establishment at any Veterans' Administration medical center at which significant medical or scientific research is carried out of a nonprofit corporation to provide a flexible funding mechanism for the conduct of approved research at the medical center. Except as otherwise provided in this subchapter or under regulations prescribed by the Administrator, any such corporation, and its directors and employees, shall be required to comply only with those Federal laws, regulations, and executive orders and directives which apply generally to private nonprofit corporations.

"(b) If by the end of the three-year period beginning on the date of its establishment a corporation established under this subchapter is not recognized as an entity the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, the Administrator shall immediately dissolve the corporation.

"§ 4162. Purposes of corporations

"Any corporation established under this subchapter shall be established to carry out medical research as described in section 4101(c)(1) of this title in conjunction with the applicable Veterans' Administration medical center. Any funds received by the

Administrator for the conduct of research at the medical center other than funds appropriated to the Veterans' Administration may be administered by the corporation for those purposes.

"§ 4163. Board of directors; executive director

"(a) The Administrator shall provide for the appointment of a board of directors for any corporation established under this subchapter. The board shall include—

"(1) the director of the medical center, the chief of staff of the medical center, and the assistant chief of staff for research of the medical center; and

"(2) members appointed from outside the Government who are familiar with issues involving medical and scientific research, including members who are not affiliated with any source of funding for research by the Veterans' Administration.

"(b) Each such corporation shall have an executive director, who shall be appointed by the board of directors with the concurrence of the Chief Medical Director of the Veterans' Administration, and who shall be responsible for the day to day operations of the corporation and shall have such specific duties and responsibilities as the board may prescribe.

"(c) An individual appointed to the board of directors of a corporation established under this subchapter may not be affiliated with, employed by, or have any other financial relationship with any source of funding for research by the Veterans' Administration unless that source of funding is a governmental entity or an entity the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

"§ 4164. General powers

"(a) In order to carry out the purposes of this subchapter, any corporation established under this subchapter may—

"(1) accept gifts and grants from, and enter into contracts with, individuals, private corporations, professional societies, institutions, and Government agencies solely to carry out the purposes of this subchapter; and

"(2) employ such employees as it considers necessary and fix the compensation of such employees.

"(b) A corporation established under this subchapter may not spend funds for a research project unless the project is approved in accordance with procedures prescribed by the Chief Medical Director for research carried out with Veterans' Administration funds.

"§ 4165. Applicable State law

"Any corporation established under this subchapter shall be established in accordance with the nonprofit corporation laws of the State in which the applicable medical center is located and shall, to the extent not inconsistent with any Federal law, be subject to the laws of such State.

"§ 4166. Accountability and oversight

"(a) The Inspector General of the Veterans' Administration shall have the right to examine the records of any corporation established under this subchapter.

"(b) Each such corporation shall submit a detailed annual report to the Administrator on its operations, activities, and accomplishments during the preceding year. The report shall include a report of independent auditors concerning the receipts and expenditures of funds by the corporation during the preceding year.

"(c) Each member of the board of directors of a corporation established under this subchapter and each employee of the Veterans' Administration who is involved in the functions of the corporation during any year shall submit to the Administrator an annual statement signed by the director or employee certifying that the director or employee is aware of Federal laws and regulations applicable to Federal employees with respect to conflicts of interest in the performance of official functions."

#### "§ 4167. Expiration of authority

"No corporation may be established under this subchapter after September 30, 1990."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

#### "SUBCHAPTER VI—RESEARCH CORPORATIONS

- "4161. Authority to establish; status.
- "4162. Purposes of corporations.
- "4163. Board of directors; executive director.
- "4164. General powers.
- "4165. Applicable State law.
- "4166. Accountability and oversight.
- "4167. Expiration of authority."

#### SEC. 3. INCENTIVE PAY FOR NURSES.

Section 4107 is amended by adding at the end the following new subsection:

"(j)(1) The Administrator may enter into agreements under this subsection for the recruitment and retention of registered nurses by the Veterans' Administration. Such an agreement may be entered into with any registered nurse who is employed at, or who agrees to accept employment with the Veterans' Administration at, a Veterans' Administration Medical Center that is designated by the Administrator as a medical center with a significant shortage in registered nurses in any clinical service.

"(2) A registered nurse entering into an agreement under this subsection shall agree to remain employed by the Veterans' Administration as a registered nurse for a period of time to be specified in the agreement. Such period shall be not less than two years or more than four years.

"(3) The Administrator shall pay to any nurse entering an agreement under this subsection incentive pay for the duration of the agreement. The amount of such incentive pay shall be—

"(A) \$1,000 per year, in the case of an agreement for two years,

"(B) \$2,000 per year, in the case of an agreement for three years, and

"(C) \$3,000 per year, in the case of an agreement for four years.

"(4) Each agreement under this subsection shall include provisions requiring the Administrator to require repayment, with suitable penalties to be specified in the agreement, of amounts paid under this subsection if the nurse concerned fails to complete the period of employment with the Veterans' Administration specified in the agreement.

"(5) The authority of the Administrator to enter into agreements under this subsection is subject to the availability of appropriated funds for such purpose."

#### SEC. 4. OFFICIAL SEAL.

Section 202 is amended—

(1) by inserting "(a)" before "The seal"; and

(2) by adding at the end the following:

"(b) The Administrator may authorize the use, for purposes approved by the Administrator, of the seal and other official symbols of the Veterans' Administration, and of the name 'Veterans' Administration', by any

person who makes a significant gift or contribution to the Administrator for the support of special recreational activities which further the rehabilitation of disabled veterans."

#### SEC. 5. CONGRESSIONAL PROCEDURES FOR APPROVAL OF MEDICAL FACILITY ACQUISITION AND CONSTRUCTION.

Paragraph (2) of section 5004(a) is amended to read as follows:

"(2) No appropriation may be made for a major medical facility project unless each committee has first adopted a resolution approving such project and setting forth the estimated cost of such project."

#### SEC. 6. APPOINTMENT OF RESEARCH PSYCHOLOGISTS.

Subsection (d) of section 4114 is amended to read as follows:

"(d)(1) The Chief Medical Director may waive for the purpose of appointments under this section the requirements of section 4105(a) of this title that the licensure or registration, as appropriate, of a physician, dentist, podiatrist, psychologist, optometrist, registered nurse, practical or vocational nurse, or physical therapist must be in a State if the person—

"(A) is to be employed to conduct research or serve in an academic position and to have no responsibility for furnishing direct patient-care services; or

"(B) is to be employed to serve in a country other than the United States and the licensure or registration of such person is in the country in which the person is to serve.

"(2) The Chief Medical Director may for the purpose of the appointment under this section of a psychologist who meets the conditions described in paragraph (1)(A) of this subsection waive the requirement of section 4105(a)(8) of this title that a psychologist must have completed an internship."

#### SEC. 7. ADDITIONAL PAY AUTHORITIES FOR NURSES TO BE AVAILABLE FOR PHARMACISTS AND OCCUPATIONAL THERAPISTS.

(a) CATEGORY OF APPOINTMENT.—Section 4104 is amended—

(1) in paragraph (2), by striking out "Pharmacists" and all that follows through "therapists" and inserting in lieu thereof "Psychologists (other than those described in paragraph (3) of this section)"; and

(2) in paragraph (3)—  
(A) by striking out "and"; and  
(B) by inserting ", pharmacists, and occupational therapists" after "nurses".

(b) AUTHORITY FOR NURSE SPECIAL PAY.—The second sentence of section 4107(f) is amended—

(1) by striking out "or licensed" and inserting in lieu thereof "licensed"; and

(2) inserting "pharmacists, or occupational therapists," after "nurses."

#### SEC. 8. VETERANS' ADMINISTRATION CHILD DAY CARE CENTERS.

(a) OPERATION BY VETERANS' CANTEN SERVICE.—Chapter 75 is amended by adding at the end the following new section:

##### "§ 4209. Child day care centers

"(a) The Service may operate child day care centers at facilities of Veterans' Administration medical centers. The centers shall be available for the children of Veterans' Administration employees.

"(b) For the purposes of subsection (a) of this section, the Administrator shall provide to the Service without charge space in existing Veterans' Administration facilities, support services (including custodial services), and utilities. Any other facilities or services provided by the Administrator to the Service for the purpose of subsection (a) of this

section shall be provided on a reimbursable basis.

"(c) The Service may establish reasonable charges, to be approved by the Administrator, for day care services provided under subsection (a) of this section. Such charges shall be sufficient to cover all costs of the operation of day care centers operated under subsection (a) of this section (other than the cost of services provided without charge by the Administrator under subsection (b) of this section).

"(d) In assigning employees to the operation of day care centers under this section, the Administrator shall ensure that such employees are assigned based on their suitability and fitness for such duties."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4209. Child day care centers."

#### SEC. 9. INTEGRITY OF CONTRACTING OUT PROCESS.

(a) REQUIREMENT FOR TWO BIDDERS.—Section 5010(c)(2) is amended by inserting "responsive bids are received from at least two responsible, financially autonomous bidders and" after "only if".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply only with respect to the awarding of contracts under requests for proposals issued after the date of the enactment of this Act.

#### SEC. 10. EVIDENCE OF INABILITY TO DEFRAY EXPENSES OF DOMICILIARY CARE.

(a) CATEGORY A.—Section 622(a)(1) is amended by striking out "section 610(a)(1)(I)" and inserting in lieu thereof "sections 610(a)(1)(I) and 610(b)(2)".

(b) CONFORMING AMENDMENT.—Section 622(g) is amended by striking out "sections 610(b)(2) and 624(c)" and inserting in lieu thereof "section 624(c)".

#### SEC. 11. REPORT ON EFFECT OF CERTAIN SPECIAL PAY AMENDMENTS.

Not later than one year after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall submit to Congress a report on the implementation of the amendments made by sections 3 and 7 and the implementation of any other provision of law enacted during the first session of the One Hundredth Congress making changes in special and incentive pay for various health care professionals in the Department of Medicine and Surgery. The report shall particularly describe the effect of such amendments and other provisions of law on the ability of the Veterans' Administration to meet its requirements for nurses, pharmacists, occupational therapists, and physical therapists and shall include such recommendations for further legislative action as the Administrator considers appropriate.

The SPEAKER pro tempore. Is a second demanded?

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House H.R. 3449, as amended. This bill was reported unanimously by the Committee on Veterans' Affairs, after having held several hearings on the subjects addressed in its provisions.

Mr. Speaker, there are 11 provisions in the bill and I would like to describe them.

First, Mr. Speaker, I want to thank the very able gentleman from Arkansas, the ranking minority member of our Subcommittee on Hospitals and Health Care, Mr. HAMMERSCHMIDT, for the leadership he provided on this bill.

I am also grateful to the distinguished ranking minority member of the committee, Mr. SOLOMON, for his cooperation and support in bringing the bill to the House.

Mr. Speaker, there are three provisions concerning health care personnel recruitment and retention. The committee has received extensive testimony regarding the shortage of health care personnel, especially registered nurses, throughout the country. In the VA, the nurse staffing problem is especially critical, since Federal agencies cannot move as quickly as small, private concerns and since the Federal deficit and budget situation limits the financial incentives. In addition, the committee received testimony that VA pharmacies are severely understaffed and that the VA is also having significant difficulty in recruiting and retaining occupational therapists. Therefore, the committee recommends the passage of the following provisions dealing with pay and nonpay VA employment incentives:

Authorize the Administrator to enter into incentive pay agreements with registered nurses, both currently employed by VA and new hires, at facilities which are determined to have a significant shortage of registered nurses in any clinical service as follows: \$1,000 per year for an agreement to work 2 years; \$2,000 per year for an agreement to work 3 years; and \$3,000 per year for 4 years. A payback requirement, similar to that for the Health Professional Scholarship Program, would operate in instances where the nurse were to default. This incentive pay authority for nurses would exist in addition to the special pay rate provision. However, since this incentive authority can be tailored to specific clinical services, the budget impact of implementing it is small. CBO estimates an annual cost of only \$5 million per year after implementation.

Authorize the transfer for pay purposes only to the title XXXVIII personnel system of pharmacists and occupational therapists. The VA report concerning a similar transfer involving

physical therapists and licensed and/or practical nurses showed definite improvements in retention and recruitment.

Authorize the VA canteen service to operate child day care centers at VA medical centers for children of VA employees on a fee basis sufficient to cover all costs of the operation of such day care center other than the costs of services provided by the Administrator. One of the recruitment incentives used by the private sector in health care and other employment categories, according to the General Accounting Office's recent report on child day care, is the provision directly or indirectly of child day care services. This provision would authorize day care for VA employees both to encourage more people to enter the work force and to encourage more of those in the work force to apply for employment in the VA.

The reported bill includes a provision that would authorize the establishment of a nonprofit corporation at each VA medical center at which significant medical research is carried out to provide a funding mechanism for moneys received from other than VA appropriations to conduct approved research projects at the medical center. Mr. Speaker, a large amount of non-VA research money is expended by the VA to conduct VA approved research projects. There are two main ways to keep account of these funds: The general post fund and affiliated medical school accounts. The general post fund was not designed for the ongoing disbursements of research dollars, but instead was established to deal with the personal property of veterans who die while in VA facilities. When funds are channeled through affiliated educational institutions, an indirect cost charge is levied ranging from 15 to 40 percent and more which results in a loss of resources for effective research. Yet, the committee believes it is necessary to keep careful account of funds which come to the VA for research. This provision would allow a VA medical center to establish a nonprofit corporation to do this. Any such corporation must comply with laws of the State in which it is incorporated and also be recognized as a nonprofit corporation under the laws and regulations of the U.S. Internal Revenue Service.

Mr. Speaker, the VA in concert with community groups and veterans service organizations has developed therapeutic activities for disabled veterans in the form of recreational and competitive events. One example, is the National Wheelchair Games. The committee feels that, in recognition of the fiscal and other resource contributions made by individuals and organizations, the significant support of these special recreational activities should earn the use of the official VA seal, other VA

symbols and the name "Veterans' Administration" at the discretion of the Administrator.

The reported bill would also waive the State licensure or registration requirement for practical or vocational nurses, or physical therapists who are: First, employed to conduct research or serve in an academic position and who have no responsibility for furnishing direct patient care services; or second, employed to serve in a country other than the United States and the licensure or registration of the person is in the country in which the person is to serve. Additionally, the requirement for an internship for employment as a VA psychologist would be waived only if the psychologist is to be employed to conduct research and will have no direct patient care responsibilities. The committee has received testimony that in the Philippines, nurses can be licensed and entitled to practice while having no State licensure. This would help the recruiting and retaining of nurses at the VA medical facility in Manila. The waiver of internship for employment as a research psychologist with no patient care responsibilities would aid the recruitment of psychologists with research expertise who do not have patient care internships. The committee was reassured by the VA that no patient care would be performed by such employees.

Mr. Speaker, the VA testified in 1981 that it would require two or more bidders to be responsive to solicitations to contract out certain medical care functions under OMB Circular A-76. A recent decision of the General Services Administration Board of Contract Appeals held that this "rule of two" policy could only be successfully invoked if the VA promulgated a change in the Federal acquisition regulations. In order to ensure the continued high quality medical care of the VA, the reported bill would codify the current VA practice of requiring two responsible, financially autonomous bidders to exist before medical center support services may be contracted out under OMB Circular A-76.

Last, Mr. Speaker, H.R. 3449 would set the income limit for the provision of domiciliary care in VA and State veterans' homes at the category a threshold limit of Public Law 99-272; that is, \$15,195 for veterans with no dependents and \$18,234 for veterans with one dependent plus \$1,013 for each additional dependent. The current monthly income limit of \$415 has not been adjusted since 1980 and is unreasonably low in addition to its inconsistency with income limits for other VA medical care services.

I want to thank all members of the committee who worked on the bill, especially members of the subcommittee who spent so much time on the measure.

I especially wish to thank the gently from South Carolina [Mrs. PATTERSON], a very able member of the committee, for her leadership in proposing the Day Care Center Program for the VA. Section 8 of the bill is identical to H.R. 3409 which she introduced a few weeks ago. I appreciate her work in this area.

This is an important bill and I urge all Members of the House to vote for it.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as ranking member of the Veterans' Affairs Subcommittee on Hospitals and Health Care, I rise in strong support of H.R. 3449, to improve health care programs of the Veterans' Administration. The House has already acted favorably on a major veteran's health care bill this past June, and this second bill results from a continuing focus by the committee on the health care needs of our Nation's veterans.

Mr. Speaker, several sections of the bill address the critical and growing shortages of certain health care professionals at many VA medical facilities. These shortages are being felt in private and municipal hospitals as well, and the competition is growing fierce to attract and retain nurses, pharmacists and occupational therapists with all sorts of compensation and fringe benefit packages, including bonuses for nurses of up to \$20,000.

The VA is experiencing a widening gap between what it can offer nurses, pharmacists and occupational therapists and what its competition can offer. Too often these essential professionals are simply taking a walk to the hospital down the street because of the inducements of substantially better pay and working conditions.

Mr. Speaker, the very ability of the VA to maintain high quality health care for veterans is at stake. The VA must be able to attract well-qualified, experienced health care professionals. Granted, the VA will probably never be able to match its competition dollar for dollar, and it has never been able to. But the totality of VA employment must remain sufficiently attractive. There must be enough reasons the VA hospitals are a good place to work so that nurses, pharmacists, occupational therapists and other health care professionals will seek employment in them and stay.

Specifically, this legislation would allow incentive pay agreements with registered nurses of up to \$12,000 for a 4-year contract. Of course, there are penalty agreements if the nurses don't stay the entire length of time.

Also, the legislation would expressly permit the veterans' canteen service to operate day care centers for children of VA employees at VA medical centers. This is already being done at

some facilities, but there have been questions about the legal basis for the activity. The bill would clearly sanction day care.

The day care services would entail no cost to the Government, since they would be on a fee basis. Obviously, the availability of day care for their children is a major consideration for working parents, and many employers in the health-care field provide various arrangements for child day care. Nurses, who are mainly women, may have a particular interest in the availability of day care, but it is a benefit which is generally attractive across the board.

Additionally, under H.R. 3449, the more attractive pay scales under title XXXVIII would be made applicable to pharmacists and occupational therapists, who are now under the regular civil service pay provisions. These two occupations would retain their other civil service rights and protections, so in a sense they would be getting the best of both worlds.

Mr. RIDGE of Pennsylvania, an active member of the Hospitals and Health Care Subcommittee, offered a unanimously accepted amendment at the full committee markup to require the VA to report after 1 year on the results of the implementation of these sections I have just discussed, except for day care. Feedback is necessary to evaluate the effectiveness of the incentives offered, and Mr. RIDGE's thoughtful amendment is a valuable contribution to the bill.

Mr. Speaker, H.R. 3449 has 11 sections, all of them important, and they are outlined in the remarks of my distinguished colleague, Mr. MONTGOMERY. However, one other provision warrants particular notice. It would establish authority for establishment of nonprofit research corporations to receive private grants of money for medical research.

The authority is needed because the VA has no mechanism specifically designed to handle these grants, which total millions of dollars. Currently, the grants go into the VA's general post fund, which was intended to handle donations for patients' recreational activities and for such things as day room television sets.

Mr. Speaker, the millions of dollars donated for medical research projects are a far different matter. There are at least a dozen nonprofit research corporations operating today at VA medical facilities, including the one here in Washington, DC. These nonprofit corporations have been operated openly, and as far as I know, responsibly, but the VA's general counsel questions the legal basis for their operation, and, while we have no quarrel with the general counsel's views, the committee believes that the nonprofit corporations believes that the nonprofit corporations should contin-

ue to operate and should have the chance to prove themselves, after a promising start.

Authority for their establishment will expire on September 30, 1990. The corporations will be subject both to State laws governing nonprofit corporations and to examination by the VA's inspector general. Also, the committee would certainly exercise close oversight over any corporations established under the authority granted by this legislation.

Mr. Speaker, I am proud to count the chairman of the full committee and of the Hospitals and Health Care Subcommittee as a close friend. SONNY MONTGOMERY works tirelessly for the benefit of veterans and I commend him for H.R. 3449. Also, I commend my good friend and colleague, JERRY SOLOMON, who succeeded me as ranking member of the committee, for all that he has done. I was confident I was leaving the leadership of the minority in good hands, and Mr. SOLOMON during this session has certainly lived up to my high expectations.

Mr. Speaker, this veterans health care bill is within the budget, and I strongly urge its passage by this body.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. OAKAR].

Before yielding her the time, I would like to say that the next bill that the gentlewoman will handle does have some retirement provisions and benefits for veterans. I would like to compliment her for her work in that field.

Ms. OAKAR. Mr. Speaker, I thank the chairman for yielding this time.

I will extend the gentleman's good words to my chairman, Congressman FORD as well.

I want to compliment the gentleman from Mississippi and the minority leader on this legislation because we do have a shortage of health deliverers in the Veterans' Administration. Part of the problem, frankly, is that we do not pay them fairly. One of the reasons why we have a shortage, for example, of nurses and other health providers is for that reason. It is not competitive enough. One of the things that we have been trying to do, and I must say that the House has always passed my bill, is that we need to study the classification system of Federal employees and take a look at why certain jobs are kept, like nurses, et cetera. We passed that bill overwhelmingly in the House. The Senate has always sat on that bill.

Frankly, instead of giving incentives for people to go into these types of jobs, we ought to just get it over with and pay them fairly and we would not have that recruitment problem; but until we do that, study the system and then hopefully implement the study on where our shortages and needs are

and be in equity in terms of salaries, we will have to rely on the good work of the gentleman's committee, which will provide these kinds of incentives.

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So I want to compliment the gentleman. It is the short-term thing to do but in the long term we really ought to take another look at the classification system and the system for Government workers which we really have not done comprehensively since 1923.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I certainly want to thank the gentlewoman from Ohio [Ms. OAKAR] for her comments and I hope she will continue to introduce this legislation. I want to say that it is a very serious situation that has developed in our veterans' hospitals and outpatient clinics, that we do have a number of shortages around the country in registered nurses, and we are competing with the private sector. We are going to have to make some changes to keep the qualified people in the Veterans' Administration to take care of the veterans.

Mr. Speaker, I also want to take this opportunity to say that Senator JOHN STENNIS, our senior Senator from Mississippi, and President pro tempore of the Senate, will not seek reelection next year. He has always been a great friend of the veteran and has worked with us on veterans' programs, and he has made this announcement from his Washington office. He certainly will be missed by not only those on the Senate side but certainly those on the House side.

JOHN STENNIS has decided not to seek reelection.

Mr. Speaker, this is an excellent bill. I urge my colleagues to support it.

Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to join the chairman of the subcommittee, the gentleman from Mississippi [Mr. MONTGOMERY], and the distinguished gentlewoman from Ohio [Ms. OAKAR] for her statement and her interest.

Mr. SOLOMON. Mr. Speaker, I rise in strong support of H.R. 3449, the Veterans' Health Care Amendments of 1987. As the ranking member of the Veterans' Committee I was pleased to have worked with Mr. MONTGOMERY, Mr. HAMMERSCHMIDT and the other members of our committee in the development of this important legislation. This measure addresses one of the most serious problems we have faced in our efforts to insure that America's veterans receive quality health care.

The growing national shortage of skilled health care professionals at veterans' hospitals is jeopardizing the health care our veterans are entitled to receive. This shortage of certain skilled health care professionals to treat our veterans threatens the commitment we in Congress have made to insure quality health care for veterans.

H.R. 3449, which was reported from the Veterans' Affairs Committee last week addresses this problem by providing both recruitment and retention benefits for nurses, occupational therapists, and pharmacists. The bill allows the Administrator to pay occupational therapists and pharmacists under the auspices of title 38 but retains for these professionals the personnel protection afforded them under title 5.

The chairman has already explained the other provisions of the bill, and I support each of them.

I would also like to note that this legislation is one more tribute to our Chairman SONNY MONTGOMERY's ability to identify a problem, and to develop a workable response in the form of bipartisan and timely legislation. This ability guarantees that our veterans will continue to receive quality health care treatment at our national veterans' hospitals.

I urge all Members of the House to support the bill before us. Thank you, Mr. Speaker.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H.R. 3449, the Veterans' Omnibus Health Care Amendments of 1987. H.R. 3449 contains various provisions to improve the delivery of health care to our Nation's veterans at VA medical centers.

I would like to concentrate for a moment on two of the many important provisions in H.R. 3449. The first provision will authorize incentive pay of \$1,000, \$2,000, or \$3,000 yearly for registered nurses who agree to commit their services to the VA for 2-, 3-, or 4-year periods respectively. The bill also establishes child day care centers at VA medical centers for the children of VA employees. Employees will cover the cost of salaries for child care personnel and the VA will supply the facility.

These provisions specifically address the problem the VA is currently experiencing in recruiting and retaining nursing personnel. Without adequate nursing staff in VA medical facilities, doctors' orders cannot be carried out, treatment cannot be delivered to the patients, and subtle changes in a patient's condition can go unnoticed. The nurses in our VA medical centers often do the work of two people in order to ensure standard patient care.

Mr. Speaker, our Nation's veterans are the ones who ultimately suffer from the consequences of understaffed medical units. The provisions I have highlighted will make VA medical centers a more attractive and desirable place for nurses to work and for veterans to obtain health care. Bonus pay and convenient child care will make VA medical centers more competitive with nearby hospitals and will attract and retain nursing personnel—thus providing improved working conditions and a stronger staff to deliver to veterans the quality care they deserve.

As a member of the Veterans' Affairs Committee and strong supporter of our Nation's veterans, I urge my colleagues to vote in support of H.R. 3449.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 3449, the Veterans' Omnibus Health Care Amendments of 1987. I commend the gentleman from Mississippi [Mr. MONTGOMERY], the distinguished chairman of the Committee on Veterans' Affairs, as well as the committee's distinguished ranking minority member, the gentleman from New York [Mr.

SOLOMON], for their outstanding efforts in reporting this important measure.

H.R. 3449 takes significant steps to address major problems of concern to those of us in Congress who have been longstanding supporters of veterans' benefit programs. Chief among these is the significant problem of work force shortages among the registered nurses who provide the services and high-quality care which is so vital to our Nation's veterans. The legislation before us would authorize the Veterans' Administration [VA] Administrator to offer an incentive pay bonus to new and currently employed nurses at facilities designated as having a nursing shortage. Specifically, the VA Administrator could offer \$1,000 per year for an agreement to work 2 years, \$2,000 per year on an agreement to work 3 years, and \$3,000 per year for an agreement to work 4 years in any clinical service.

In addition, H.R. 3449 would authorize the Veterans' Canteen Service to operate child day care centers for use by VA employees at VA medical centers. These services would be provided at a reasonable cost, sufficient to cover personnel and other incidental services. Finally, H.R. 3449 will facilitate the recruitment and retention of pharmacists and occupational therapists by allowing the VA Administrator to reimburse these professionals under the auspices of title 38 of the United States Code. The provisions of H.R. 3449 will thus work in concert to ensure the adequacy of health care services which go to benefit the Nation's 28 million eligible veterans.

Equally important is the issue of continued funding for medical research throughout our veterans' health care facilities. H.R. 3449 establishes a nonprofit research corporation to act as a flexible funding mechanism in support of VA-approved research projects. Mr. Speaker, the importance of these projects cannot be underestimated. The valiant veterans of our Nation deserve nothing but the best in return for their courageous service in defending our Nation. The provision of adequate, high-quality care is the very least that our Nation can do to provide for the welfare of these outstanding citizens. Similarly, the provision of quality services to the families of veterans is but a small recompense for the sacrifices which these families must suffer for sending their sons and daughters out to war.

As Members of Congress, we must honor our Government's commitment to these individuals. When we asked them to give of their time, and in too many cases, to give of their lives, these brave men and women stood ready to defend our country. As we asked our veterans to serve our Nation, so must we now serve them. I submit that H.R. 3449 is a small but significant step toward fulfilling our obligation to our Nation's soldiers, both past and present. Accordingly, I urge my colleagues to vote in support of the Veterans' Omnibus Health Care Amendments of 1987.

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of H.R. 3449, the veterans' omnibus health care amendments. I am pleased to see the House considering this bill and acting on legislation recognizing the needs of our veterans. For too long now our veterans who have selflessly served this

country, oftentimes with their lives, have been denied the gratitude and respect they deserve.

Benefits for veterans date back to the wars of the early settlers against the Indians and the French. Throughout time, service for veterans has expanded to meet the medical care needs of returning war-injured veterans. Today, the Veterans' Administration [VA] facilities make up the largest medical care delivery system in the United States. During 1984, the VA cared for approximately 1.32 million hospital inpatients in VA and non-VA facilities; 65,627 nursing home patients in VA and community facilities; and 21,579 patients in VA and State domiciliaries. It is apparent that this service is essential and vital to a large number of our veterans.

H.R. 3449, among other things would raise the cap on the income threshold for eligibility for domiciliary care from \$415 per month to \$1,250 per month. This increase introduces a more realistic ceiling. The deciding factor for medical and professional care in a residential setting should not be a substandard salary. It is not poverty that should determine this eligibility but true medical need.

The bill would also provide a much needed pay-incentive system for nurses at VA facilities. At a time when these facilities are facing the potential of greatly increased admissions as our veteran population is rapidly aging, nurses must not become a rare commodity. Improper salaries coupled with an overwhelming workload must not be allowed to continue. Many VA nurses may find it impossible to provide essential care without improved staffing and adequate compensation.

I am pleased to support a bill that enhances the work of VA facilities. Although we cannot turn back the hands of time and change the events of the past, we can and must make a statement for the future. H.R. 3449, the Veterans' Omnibus Health Care Amendments of 1987 provides such statement by providing the essential and basic care these courageous veterans and their families deserve.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 3449, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous ma-

terial, on H.R. 3449, the bill now before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

#### FEDERAL RETIREMENT TECHNICAL CORRECTIONS ACT

Ms. OAKAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3395), making technical corrections relating to the Federal Employees' Retirement System, and for other purposes, as amended.

The Clerk read as follows:

##### H.R. 3395

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### TITLE I—AMENDMENTS RELATING TO THE CIVIL SERVICE RETIREMENT SYSTEM AND THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM

##### SEC. 101. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 5, United States Code.

##### SEC. 102. DEPOSITS FOR "COVERED SERVICE" AFTER 1986 FOR EMPLOYEES UNDER CSRS OFFSET PROVISIONS.

Section 8334(c) is amended by striking the period at the end of the last sentence and inserting in lieu thereof the following: "and, with respect to any such service performed after December 31, 1986, be equal to the amount that would have been deducted from the employee's basic pay under subsection (k) of this section if the employee's pay had been subject to that subsection during such period."

##### SEC. 103. AMENDMENTS RELATING TO LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS.

###### (a) MAXIMUM ENTRY AGES.—

(1) IN GENERAL.—Section 3307 is amended—

(A) in subsection (d), by striking "may, with the concurrence of such agent as the President may designate," and inserting in lieu thereof "may"; and

(B) by adding at the end the following:

"(e) The head of an agency may determine and fix the maximum age limit for an original appointment to a position as a firefighter or law enforcement officer, as defined by section 8401(14) or (17), respectively, of this title."

(2) CLARIFYING AMENDMENTS.—Paragraphs (14)(A)(ii) and (17) of section 8401 are amended by striking "are required to be" each place those words appear and inserting in lieu thereof "should be".

(b) DEFINITION UNDER THE LIFE INSURANCE PROGRAM.—Section 8704(c)(2) is amended by inserting "or 8401(17)" after "8331(20)".

###### (c) AMENDMENTS TO DEFINITIONS.—

(1) LAW ENFORCEMENT OFFICERS.—Section 8401(17) is amended—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(B) by inserting after subparagraph (A) the following:

"(B) an employee of the Department of the Interior or the Department of the Treasury

(excluding any employee under subparagraph (A)) who occupies a position that, but for the enactment of the Federal Employees' Retirement System Act of 1986, would be subject to the District of Columbia Police and Firefighters' Retirement System, as determined by the Secretary of the Interior or the Secretary of the Treasury, as appropriate"; and

(C) by amending subparagraph (C), as so redesignated by subparagraph (A), to read as follows:

"(C) an employee who is transferred directly to a supervisory or administrative position after performing duties described in subparagraph (A) or (B); and".

(2) FIREFIGHTERS.—Section 8401(14)(B) is amended by striking "for at least 10 years".

(d) COORDINATION OF FERS WITH THE DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM FOR EMPLOYEES OF THE PARK POLICE AND THE SECRET SERVICE.—

(1) IN GENERAL.—Section 4-607(1) of title 4 of the District of Columbia Code is amended by striking the period and inserting in lieu thereof the following: "but does not include an officer or member of the United States Park Police force, or of the United States Secret Service Division, whose service is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1986, and who is not excluded from coverage under chapter 84 of title 5, United States Code, by operation of section 8402 of such title."

(2) CONFORMING AMENDMENT.—Section 8401(11)(i)(II) is amended by striking "(other than an employee of the United States Park Police, or the United States Secret Service, whose civilian service after December 31, 1983, is such employment)".

(e) OFFSETS TO PREVENT FULL DOUBLE COVERAGE FOR EMPLOYEES OF THE PARK POLICE AND THE SECRET SERVICE.—Notwithstanding any other provision of law, in the case of an employee of the United States Secret Service or the United States Park Police whose pay is simultaneously subject to a deposit requirement under the District of Columbia Police and Firefighters' Retirement and Disability System and the contribution requirement under section 3101(a) of the Internal Revenue Code of 1986—

(1) any deposits under the District of Columbia Police and Firefighters' Retirement and Disability System shall be adjusted in a manner consistent with section 8334(k) of title 5, United States Code (relating to offsets in deductions from pay to reflect OASDI contributions); and

(2) any benefits payable under the District of Columbia Police and Firefighters' Retirement and Disability System based on the service of any such employee shall be adjusted in a manner consistent with section 8349 of title 5, United States Code (relating to offsets to reflect benefits under title II of the Social Security Act).

(f) EFFECTIVE DATE.—This section, and the amendments made by this section, shall be effective as of January 1, 1987.

##### SEC. 104. MILITARY SERVICE DEPOSITS BY SURVIVORS.

(a) Section 8422(e) is amended by adding at the end the following:

"(5) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member."

(b) Section 8411(c)(4)(A) is amended by striking "subsection (f)(4)" and inserting in lieu thereof "section 8422(e)(5)".

**SEC. 105. DEPOSITS AND REFUNDS RELATING TO CERTAIN SERVICE UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.**

(a) **DEPOSIT FOR SERVICE COVERED BY REFUND PERMITTED ONLY IF REFUND WAS PURSUANT TO APPLICATION FILED BEFORE BECOMING SUBJECT TO FERS.**—Section 8411(f)(1) is amended by adding at the end the following: "A deposit under this paragraph may be made only with respect to a refund received pursuant to an application filed with the Office before the date on which the employee or Member first becomes subject to this chapter."

(b) **LUMP-SUM CREDIT FOR CERTAIN CSRS SERVICE SOUGHT AFTER BECOMING SUBJECT TO FERS IS PAYABLE TO THE EXTENT THAT IT EXCEEDS 1.3 PERCENT OF BASIC PAY.**—The last sentence of section 8342(a), as added by section 207(h) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 596) is amended to read as follows: "In applying this subsection to an employee or Member who becomes subject to chapter 84 (other than by an election under title III of the Federal Employees' Retirement System Act of 1986) and who, while subject to such chapter, files an application with the Office for a payment under this subsection—

"(i) entitlement to payment of the lump-sum credit shall be determined without regard to paragraph (1) or (3) if, or to the extent that, such lump-sum credit relates to service of a type described in clauses (i) through (iii) of section 302(a)(1)(C) of the Federal Employees' Retirement System Act of 1986; and

"(ii) if, or to the extent that, the lump-sum credit so related to service of a type referred to in clause (i), it shall (notwithstanding section 8331(8)) consist of—

"(I) the amount by which any unrefunded amount described in section 8331(8) (A) or (B) relating to such service, exceeds 1.3 percent of basic pay for such service; and

"(II) interest on the amount payable under subclause (I), computed in a manner consistent with applicable provisions of section 8331(8)."

**SEC. 106. OPTION FOR CERTAIN EMPLOYEES TO ELECT FERS COVERAGE.**

Section 301(a) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 599) is amended by adding at the end the following:

"(3)(A) Except as provided in subparagraph (B), any individual—

"(i) who is excluded from the operation of subchapter III of chapter 83 of title 5, United States Code, under subsection (g), (i), (j), or (l) of section 8347 of such title, and

"(ii) with respect to whom chapter 84 of title 5, United States Code, does not apply because of section 8402(b)(2) of such title, shall, for purposes of an election under paragraph (1) or (2), be treated as if such individual were subject to subchapter III of chapter 83 of title 5, United States Code.

"(B) An election under this paragraph may not be made by any individual who would be excluded from the operation of chapter 84 of title 5, United States Code, under section 8402(c) of such title (relating to exclusions based on the temporary or intermittent nature of one's employment)."

**SEC. 107. CERTAIN CSRS SERVICE CREDITABLE TO DETERMINE ELIGIBILITY FOR 1.1 PERCENT ACCRUAL RATE.**

Section 302(a)(1)(D) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 602) is amended—

(1) by striking "and" at the end of subclause (IV);

(2) by striking the period at the end of subclause (V) and inserting in lieu thereof "and"; and

(3) by adding after subclause (V) the following:

"(VI) the provision of subsection (g) of section 8415 which relates to the minimum period of service required to qualify for the higher accrual rate under such subsection."

**SEC. 108. AMENDMENTS RELATING TO MISCELLANEOUS PROVISIONS OF LAW EXTENDING COVERAGE OR BENEFITS UNDER CERTAIN FEDERAL PROGRAMS TO INDIVIDUALS NOT OTHERWISE ELIGIBLE.**

(a) **TERMINATION OF CERTAIN SPECIAL ELIGIBILITY PROVISIONS.**—

(1) **CIVIL SERVICE RETIREMENT SYSTEM.**—Section 8347 is amended by adding at the end the following:

"(o) Any provision of law outside of this subchapter which provides coverage, service credit, or any other benefit under this subchapter to any individuals who (based on their being employed by an entity other than the Government) would not otherwise be eligible for any such coverage, credit, or benefit, shall not apply with respect to any individual appointed, transferred, or otherwise commencing that type of employment on or after October 1, 1988."

(2) **LIFE INSURANCE.**—

(A) **IN GENERAL.**—Section 87 of title 5, United States Code, is amended by inserting after section 8712 the following:

"§ 8713. Effect of other statutes

"Any provision of law outside of this chapter which provides coverage or any other benefit under this chapter to any individuals who (based on their being employed by an entity other than the Government) would not otherwise be eligible for any such coverage or benefit shall not apply with respect to any individual appointed, transferred, or otherwise commencing that type of employment on or after October 1, 1988."

(B) **CHAPTER ANALYSIS.**—The analysis for chapter 87 of title 5, United States Code, is amended by inserting after the item relating to section 8712 the following:

"§ 8713. Effect of other statutes."

(3) **HEALTH INSURANCE.**—

(A) **IN GENERAL.**—Chapter 89 of title 5, United States Code, is amended by adding at the end the following:

"§ 8914. Effect of other statutes

"Any provision of law outside of this chapter which provides coverage or any other benefit under this chapter to any individuals who (based on their being employed by an entity other than the Government) would not otherwise be eligible for any such coverage or benefit shall not apply with respect to any individual appointed, transferred, or otherwise commencing that type of employment on or after October 1, 1988."

(B) **CHAPTER ANALYSIS.**—The analysis for chapter 89 of title 5, United States Code, is amended by adding at the end the following:

"§ 8914. Effect of other statutes."

(b) **EXTENSION OF OFFSET PROVISIONS UNDER CHAPTER 83.**—

(1) **CONTRIBUTIONS.**—Section 8334(k) is amended by adding at the end the following:

"(4) In administering paragraphs (1) through (3)—

"(A) the term 'an individual described in section 8402(b)(2) of this title' shall be considered to include any individual—

"(i) who is subject to this subchapter as a result of a provision of law described in section 8347(o), and

"(ii) whose employment (as described in section 8347(o)) is also employment for purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1986; and

"(B) the term 'Federal wages', as applied with respect to any individual to whom this subsection applies as a result of subparagraph (A), means basic pay for any employment referred to in subparagraph (A)(ii)."

(2) **BENEFITS.**—Section 8349 is amended by adding at the end the following:

"(d) In administering subsections (a) through (c)—

"(1) the terms 'an individual under section 8402(b)(2)' and 'an individual described in section 8402(b)(2)' shall each be considered to include any individual—

"(A) who is subject to this subchapter as a result of any provision of law described in section 8347(o), and

"(B) whose employment (as described in section 8347(o)) is also employment for purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1986; and

"(2) the term 'Federal service', as applied with respect to any individual to whom this section applies as a result of paragraph (1), means any employment referred to in paragraph (1)(B) performed after December 31, 1983."

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall be effective as of January 1, 1987.

**SEC. 109. CONTINUED COVERAGE UNDER CERTAIN FEDERAL EMPLOYEE BENEFIT PROGRAMS FOR CERTAIN EMPLOYEES OF SAINT ELIZABETHS HOSPITAL.**

(a) **IN GENERAL.**—Section 207 of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 594) is amended by adding at the end the following:

"(o) An employee of Saint Elizabeths Hospital who is appointed to a position in the government of the District of Columbia on October 1, 1987, pursuant to the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (Public Law 98-621; 98 Stat. 3369 and following) shall, for purposes of chapters 83, 87, and 89 of title 5, United States Code, be treated in the same way as an individual first employed by the government of the District of Columbia before October 1, 1987."

(b) The amendment made by this section shall be effective as of October 1, 1987.

**SEC. 110. CREDITABILITY UNDER CSRS OF CERTAIN SERVICE PERFORMED UNDER A PERSONAL SERVICE CONTRACT WITH THE UNITED STATES.**

(a) **IN GENERAL.**—

(1) **CONDITIONS FOR RECEIVING CREDIT.**—Subject to the making of a deposit under section 8334(c) of title 5, United States Code, upon application to the Office of Personnel Management within 2 years after the date of the enactment of this Act, any individual who is an employee (as defined by section 8331(1) or 8401(11) of such title) on such date shall be allowed credit under subchapter III of chapter 83 of such title for any service if such service was performed—

(A) before November 5, 1985; and

(B) under a personal service contract with the United States, except as provided in paragraph (3).

(2) **CERTIFICATION.**—

(A) **IN GENERAL.**—The Office shall, with respect to any service for which credit is sought under this subsection, accept the certification of the head of the agency which was party to the contract referred to in

paragraph (1)(B), but only if such certification—

(i) states that the agency had intended, through such contract, that the individual involved (or that persons like the individual involved) be considered as having been appointed to a position in which such individual would be subject to subchapter III of chapter 83 of title 5, United States Code; and

(ii) indicates the period of service which was performed under the contract by the individual involved, and includes copies of appropriate records or other documentation to support the determination as to the length of such period.

(B) **FINALITY.**—A decision by an agency head concerning whether or not to make a certification under this paragraph in any particular instance shall be at the sole discretion of the agency head, and shall not be subject to administrative or judicial review.

(3) **EXCEPTION.**—Nothing in this subsection shall apply with respect to any service performed under—

(A) a contract for which any appropriations, allocations, or funds were used under section 636(a)(3) of the Foreign Assistance Act of 1961; or

(B) a contract entered into under section 10(a)(5) of the Peace Corps Act.

(b) **APPLICABILITY TO ANNUITANTS.**—

(1) **IN GENERAL.**—In the case of any individual who—

(A) performed service for which credit is allowable under subsection (a), and

(B) retired on an annuity payable under subchapter III of chapter 83 of title 5, United States Code, after January 23, 1980, and before the date of the enactment of this Act,

any annuity under such subchapter based on the service of such individual shall be redetermined to take into account the amendment made by subsection (a) if application therefor is made, and the deposit requirement under such subsection is met, within 2 years after the date of the enactment of this Act.

(2) **AMOUNTS TO WHICH APPLICABLE.**—Any change in an annuity resulting from a redetermination under paragraph (1) shall be effective with respect to payments accruing for months beginning after the date of the enactment of this Act.

# **SEC. 111. EXCLUSION OF FOREIGN NATIONAL EMPLOYEES UNDER CSRS FROM PARTICIPATING IN THE THRIFT SAVINGS PLAN.**

(a) **IN GENERAL.**—Section 8351 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) A member of the Foreign Service described in section 103(6) of the Foreign Service Act of 1980 shall be ineligible to make any election under this section.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall be effective as of March 31, 1987. Any refund which becomes payable as a result of the preceding sentence shall, to the extent that such refund involves an individual's contributions to the Thrift Savings Fund (established under section 8437 of title 5, United States Code), be adjusted to reflect any earnings attributable thereto.

# **SEC. 112. FOREIGN NATIONAL EMPLOYEES APPOINTED AFTER DECEMBER 1987 EXCLUDED FROM CSRS.**

Section 8331(1) is amended—

(1) by striking “or” at the end of clause (x);

(2) by striking the period at the end of clause (xi) and inserting in lieu thereof “; or”; and

(3) by adding after clause (xi) the following:

“(xii) a member of the Foreign Service (as described in section 103(6) of the Foreign Service Act of 1980), appointed after December 31, 1987.”

# **SEC. 113. EXCLUSION OF FOREIGN NATIONAL EMPLOYEES FROM FERS.**

(a) **NO ELECTION TO CONVERT FROM CSRS.**—

(1) **IN GENERAL.**—Section 301(a) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 599) is amended by adding at the end the following:

“(4) A member of the Foreign Service described in section 103(6) of the Foreign Service Act of 1980 shall be ineligible to make any election under this subsection.”

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall be effective as of June 30, 1987. Any refund which becomes payable as a result of the preceding sentence shall, to the extent that such refund involves an individual's contributions to the Thrift Savings Fund (established under section 8437 of title 5, United States Code), be adjusted to reflect any earnings attributable thereto.

(b) **EXCLUSION FROM FERS.**—

(1) **IN GENERAL.**—Section 8401(11) is amended—

(A) by striking “or” at the end of clause (i)(III);

(B) by inserting “or” after the semicolon in clause (ii); and

(C) by adding at the end the following:

“(iii) a member of the Foreign Service described in section 103(6) of the Foreign Service Act of 1980.”

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall be effective as of January 1, 1987. Any refund which becomes payable as a result of the preceding sentence shall, to the extent that such refund involves an individual's contributions to the Thrift Savings Fund (established under section 8437 of title 5, United States Code), be adjusted to reflect any earnings attributable thereto.

# **SEC. 114. EXCLUSION OF CERTAIN ONE-TIME GOVERNMENT CONTRIBUTIONS TO THRIFT SAVINGS PLAN.**

Section 8432(d) is amended by adding at the end the following: “However, no contribution made under subsection (c)(3) shall be subject to, or taken into account, for purposes of the preceding sentence.”

# **SEC. 115. GOVERNMENT'S 1 PERCENT THRIFT CONTRIBUTION NOT FORFEITABLE FOR DEATH IN SERVICE.**

Section 8432(g) is amended—

(1) in paragraph (1), by striking “Except as provided in paragraphs (2) and (3),” and inserting in lieu thereof “Except as otherwise provided in this subsection.”; and

(2) by adding at the end the following:

“(4) Nothing in paragraph (2) or (3) shall cause the forfeiture of any contributions made for the benefit of an employee, Member, or Congressional employee under subsection (c)(1), or any earnings attributable thereto, if such employee, Member, or Congressional employee is not separated from Government employment as of date of death.”

# **SEC. 116. CLARIFICATION RELATING TO AMOUNTS SUBJECT TO LEGAL PROCESS FOR CHILD SUPPORT OR ALIMONY.**

Section 8437(e)(3) is amended by adding at the end the following: “For the purposes of this paragraph, an amount contributed for the benefit of an individual under sec-

tion 8432(c)(1) (including any earnings attributable thereto) shall not be considered part of the balance in such individual's account unless such amount is nonforfeitable, as determined under applicable provisions of section 8432(g).”

# **SEC. 117. CLARIFICATION RELATING TO SOURCE OF FUNDING FOR ADMINISTRATIVE EXPENSES OF THE THRIFT SAVINGS PLAN.**

(a) **IN GENERAL.**—Section 8437 is amended—

(1) in subsection (d), by inserting a period after “earnings in such Fund” and by striking the matter thereafter; and

(2) in subsection (e)(1), by inserting “subsection (d) and” before “paragraphs (2) and (3).”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

# **SEC. 118. EXCLUSION FROM AGE-BASED REDUCTION UNDER CHAPTER 83 FOR CSRS PORTION OF ANNUITY MADE SUBJECT TO REDUCTION UNDER CHAPTER 84 FOLLOWING AN ELECTION INTO FERS.**

Section 302(a)(4) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 603) is amended by adding at the end the following: “Notwithstanding the preceding sentence, in computing accrued benefits under this paragraph for an individual retiring under section 8412(g) or 8413(b) of title 5, United States Code, section 8339(h) of such title (relating to reductions based on age at date of separation) shall not apply.”

# **SEC. 119. INTEREST ON REFUNDS OF CERTAIN EXCESS CONTRIBUTIONS BY INDIVIDUALS MAKING ELECTIONS UNDER TITLE III OF THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT OF 1986.**

(a) **FOR INDIVIDUALS ELECTING FERS COVERAGE.**—Section 302(c)(2) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 605), as amended by section 302(a) of the Federal Employees' Retirement System Technical Corrections Act of 1986 (Public Law 99-556; 100 Stat. 3136), is amended to read as follows:

“(2) In accordance with regulations prescribed by the Office of Personnel Management, a refund under this subsection shall be payable upon written application therefor filed with the Office and shall include interest at the rate provided in section 8334(e)(3) of title 5, United States Code. Interest on the refund shall accrue monthly and shall be compounded annually.”

(b) **FOR INDIVIDUALS ELECTING COVERAGE UNDER CSRS WITH OFFSETS FOR SOCIAL SECURITY.**—The last sentence of section 303(a) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 605), as added by section 302(b) of the Federal Employees' Retirement System Technical Corrections Act of 1986 (Public Law 99-556; 100 Stat. 3136), is amended to read as follows: “A refund under this subsection shall be computed with interest in accordance with section 302(c)(2) and regulations prescribed by the Office of Personnel Management.”

# **SEC. 120. EFFECTIVE DATE OF FINAL MERIT INCREASE UNDER THE PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM FOR EMPLOYEES OF SAINT ELIZABETHS HOSPITAL.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the effective date of any merit increase under section 5404 of

title 5, United States Code, during calendar year 1987 shall, in the case of any individual employed in or under Saint Elizabeths Hospital on September 1, 1987, be considered to be the first day of the first applicable pay period commencing on or after September 1 (rather than October 1) of such year.

(b) DEFINITION.—For purposes of this section, "Saint Elizabeths Hospital" refers to the institution identified under section 3(1) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (Public Law 98-621; 98 Stat. 3371).

#### SEC. 121. DEADLINE FOR AGENCY CONTRIBUTIONS TO THRIFT SAVINGS PLAN.

(a) THE 1-PERCENT CONTRIBUTION.—Section 8432(c)(1)(A) is amended—

(1) by striking "At the end of" and inserting in lieu thereof "At the time prescribed by the Executive Director, but no later than 12 days after the end of"; and

(2) by striking "at the end of each succeeding pay period," and inserting in lieu thereof "within such time as the Executive Director may prescribe with respect to succeeding pay periods (but no later than 12 days after the end of each such pay period)."

(b) AMOUNTS BASED ON INDIVIDUAL CONTRIBUTIONS.—The second sentence of section 8432(c)(2)(A) is amended by striking "at the end of such pay period," and inserting in lieu thereof "within such time as the Executive Director may prescribe, but no later than 12 days after the end of each such pay period."

#### SEC. 122. AMENDMENTS RELATING TO DISABILITY ANNUITIES.

(a) INITIAL DISABILITY ANNUITY OFFSET TO BE BASED ON ACTUAL SOCIAL SECURITY DISABILITY INSURANCE BENEFIT; AMOUNT OF OFFSET NOT SUBJECT TO ADJUSTMENT UNTIL AFTER THE FIRST YEAR.—Section 8452(a)(2)(B)(i) of title 5, United States Code, is amended to read as follows:

"(B)(i) For purposes of this paragraph, the assumed disability insurance benefit of an annuitant for any month shall be equal to—

"(I) the amount of the disability insurance benefit to which the annuitant is entitled under section 223 of the Social Security Act for the month in which the annuity under this subchapter commences, or is restored, or, if no entitlement to such disability insurance benefits exists for such month, the first month thereafter for which the annuitant is entitled both to an annuity under this subchapter and disability insurance benefits under section 223 of the Social Security Act, adjusted by

"(II) all adjustments made under section 8462(b) after the end of the period referred to in paragraph (1)(A)(i) (or, if later, after the end of the month preceding the first month for which the annuitant is entitled both to an annuity under this subchapter and disability insurance benefits under section 223 of the Social Security Act) and before the start of the month involved (without regard to whether the annuitant's annuity was affected by any of those adjustments)."

(b) REVISED METHOD FOR REDETERMINING A DISABILITY ANNUITY AT AGE 62.—Section 8452(b) of title 5, United States Code, is amended to read as follows:

"(b)(1) Except as provided in subsection (d), if an annuitant is entitled to an annuity under this subchapter as of the day before the date of the sixty-second anniversary of the annuitant's birth (hereinafter in this section referred to as the annuitant's 'redetermination date'), such annuity shall be redetermined by the Office in accordance with paragraph (2). Effective as of the annuitant's redetermination date, the annuity

(as so redetermined) shall be in lieu of any annuity to which such annuitant would otherwise be entitled under this subchapter.

"(2)(A) An annuity redetermined under this subsection shall be equal to the amount of the annuity to which the annuitant would be entitled under section 8415, taking into account the provisions of subparagraph (B).

"(B) In performing a computation under this paragraph—

"(i) creditable service of an annuitant shall be increased by including any period (or periods) before the annuitant's redetermination date during which the annuitant was entitled to an annuity under this subchapter; and

"(ii) the average pay which would otherwise be used shall be adjusted to reflect all adjustments made under section 8462(b) with respect to any period (or periods) referred to in clause (i) (without regard to whether the annuitant's annuity was affected by any of those adjustments)."

#### (c) METHOD FOR APPLYING COST-OF-LIVING ADJUSTMENTS TO CERTAIN DISABILITY ANNUITY PROVISIONS.—

(1) MINIMUM DISABILITY ANNUITY AMOUNT SUBJECT TO ADJUSTMENT AFTER THE FIRST YEAR.—Section 8452 is amended—

(A) by redesignating subsection (d) as subsection (d)(1); and

(B) by adding after subsection (d)(1), as so redesignated, the following:

"(2) In applying this subsection with respect to any annuitant, the amount of an annuity so computed under section 8415 shall be adjusted under section 8462 (including subsection (c) thereof)—

"(A) to the same extent, and otherwise in the same manner, as if it were an annuity—

"(i) subject to adjustment under such section; and

"(ii) with a commencement date coinciding with the date the annuitant's annuity commenced or was restored under this subchapter, as the case may be; and

"(B) whether the amount actually payable to the annuitant under this section in any month is determined under this subsection or otherwise."

#### (2) DISABILITY ANNUITY COLAS.—

(A) IN GENERAL.—Section 8452(a)(1)(B) of title 5, United States Code, is amended to read as follows:

"(B) An annuity computed under this paragraph—

"(i) shall not, during any period referred to in subparagraph (A)(i), be adjusted under section 8462; but

"(ii) shall, after the end of any period referred to in subparagraph (A)(i), be adjusted to reflect all adjustments made under section 8462(b) after the end of the period referred to in subparagraph (A)(i), whether the amount actually payable to the annuitant under this section in any month is determined under this subsection or otherwise."

(B) CLARIFYING AMENDMENT.—Section 8452(a) of title 5, United States Code, is amended by adding at the end the following:

"(3) Section 8462 shall apply with respect to amounts under this subsection only as provided in paragraphs (1) and (2)."

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of January 1, 1987, as if they had been enacted as part of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 514 and following).

#### SEC. 123. CLARIFYING AMENDMENTS RELATING TO FUNDING.

(a) FUND BALANCE.—Section 8331(18) is amended by adding at the end the following:

"but does not include any amount attributable to—

"(i) the Federal Employees' Retirement System; or

"(ii) contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Federal Employees' Retirement System;"

(b) Section 8423(b)(1) is amended by striking the period and inserting in lieu thereof "except that in computing any supplemental liability under subparagraph (B), any benefits, deductions, or other amounts may not be taken into account unless they relate to a period of service performed by the current or former employee involved while subject to this chapter."

#### SEC. 124. CONCURRENT ENTITLEMENT TO BENEFITS UNDER CHAPTER 81 AND CHAPTER 83 OR 84 OF TITLE 5, UNITED STATES CODE.

(a) IN GENERAL.—

(1) AMENDMENTS.—

(A) CSRS.—Section 8337 is amended by striking subsections (f) and (g) and inserting in lieu thereof the following:

"(f)(1) An individual is not entitled to receive—

"(A) an annuity under this subchapter, and

"(B) compensation for injury to, or disability of, such individual under subchapter I of chapter 81, other than compensation payable under section 8107,

covering the same period of time.

"(2) An individual is not entitled to receive an annuity under this subchapter and a concurrent benefit under subchapter I of chapter 81 on account of the death of the same person.

"(3) Paragraphs (1) and (2) do not bar the right of a claimant to the greater benefit conferred by either this subchapter or subchapter I of chapter 81.

"(g) If an individual is entitled to an annuity under this subchapter, and the individual receives a lump-sum payment for compensation under section 8135 based on the disability or death of the same person, so much of the compensation as has been paid for a period extended beyond the date payment of the annuity commences, as determined by the Department of Labor, shall be refunded to that Department for credit to the Employees' Compensation Fund. Before the individual may receive the annuity, the individual shall—

"(1) refund to the Department of Labor the amount representing the commuted compensation payments for the extended period; or

"(2) authorize the deduction of the amount from the annuity."

Deductions from the annuity may be made from accrued or accruing payments. The amounts deducted and withheld from the annuity shall be transmitted to the Department of Labor for reimbursement to the Employees' Compensation Fund. When the Department of Labor finds that the financial circumstances of an individual entitled to an annuity under this subchapter warrant deferred refunding, deductions from the annuity may be prorated against and paid from accruing payments in such manner as the Department determines appropriate."

(B) FERS.—Subchapter VI of chapter 84 is amended by inserting after section 8464 the following:

**"§ 8464a. Relationship between annuity and workers' compensation"**

"(a)(1) An individual is not entitled to receive—

"(A) an annuity under subchapter II or V, and

"(B) compensation for injury to, or disability of, such individual under subchapter I of chapter 81, other than compensation payable under section 8107, covering the same period of time.

"(2) An individual is not entitled to receive an annuity under subchapter IV and a concurrent benefit under subchapter I of chapter 81 on account of the death of the same person.

"(3) Paragraphs (1) and (2) do not bar the right of a claimant to the greater benefit conferred by either this chapter or subchapter I of chapter 81.

"(b) If an individual is entitled to an annuity under subchapter II, IV, or V, and the individual receives a lump-sum payment for compensation under section 8135 based on the disability or death of the same person, so much of the compensation as has been paid for a period extended beyond the date payment of the annuity commences, as determined by the Department of Labor, shall be refunded to that Department for credit to the Employees' Compensation Fund. Before the individual may receive the annuity, the individual shall—

"(1) refund to the Department of Labor the amount representing the commuted compensation payments for the extended period; or

"(2) authorize the deduction of the amount from the annuity.

Deductions from the annuity may be made from accrued or accruing payments. The amounts deducted and withheld from the annuity shall be transmitted to the Department of Labor for reimbursement to the Employees' Compensation Fund. When the Department of Labor finds that the financial circumstances of an individual entitled to an annuity under subchapter II, IV, or V warrant deferred refunding, deductions from the annuity may be prorated against and paid from accruing payments in such manner as the Department determines appropriate."

(2) CHAPTER ANALYSIS.—The analysis for chapter 84 is amended by inserting after the item relating to section 8464 the following:

"8464a. Relationship between annuity and workers' compensation."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Subchapter V of chapter 84 is amended—

(A) by striking section 8456; and

(B) by redesignating section 8457 as section 8456.

(2) The analysis for chapter 84 is amended—

(A) by striking the item relating to section 8456; and

(B) by striking "8457" and inserting in lieu thereof "8456".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall be effective as of January 1, 1987, and shall apply with respect to benefits payable based on a death or disability occurring on or after that date.

(2) EXCEPTION.—The amendment made by subsection (a)(1)(A) shall take effect on the date of the enactment of this Act and shall apply with respect to benefits payable based on a death or disability occurring on or after that date.

**SEC. 125. ELIGIBILITY OF CERTAIN INDIVIDUALS TO PARTICIPATE IN THE THRIFT SAVINGS PLAN.**

(a) DEFINITIONS.—For purposes of this section—

(1) the term "Executive Director" means the Executive Director under section 8474 of title 5, United States Code; and

(2) the term "Thrift Savings Plan" refers to the program under subchapter III of chapter 84 of title 5, United States Code.

(b) REGULATIONS.—

(1) IN GENERAL.—The Executive Director shall prescribe regulations relating to participation in the Thrift Savings Plan by an individual described in subsection (c).

(2) SPECIFIC MATTERS TO BE INCLUDED.—Under the regulations—

(A) in computing a percentage of basic pay to determine an amount to be contributed to the Thrift Savings Fund, the rate of basic pay to be used shall be the same as that used in computing any amount which the individual involved is otherwise required, as a condition for participating in the Civil Service Retirement System or the Federal Employees' Retirement System (as the case may be), to contribute to the Civil Service Retirement and Disability Fund; and

(B) an employing authority which would not otherwise make contributions to the Thrift Savings Fund shall be allowed, with respect to any individual under subsection (c) who is serving under such authority, and at the sole discretion of such authority, to make any contributions on behalf of such individual which would be permitted or required under the provisions of section 8432(c) of title 5, United States Code, if such authority were the individual's employing agency under such provisions.

(c) APPLICABILITY.—This section applies with respect to any individual participating in the Civil Service Retirement System or the Federal Employees' Retirement System as—

(1) an individual who has entered on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of employees (as defined by section 8331(1) or 8401(11) of title 5, United States Code);

(2) an individual assigned from a Federal agency to a State or local government under subchapter VI of chapter 33 of title 5, United States Code; or

(3) an individual appointed or otherwise assigned to one of the cooperative extension services, as defined by section 1404(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(5)).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the regulations prescribed under this section shall become effective in accordance with the provisions of such regulations.

(2) EXCEPTION.—The regulations prescribed under this section shall, with respect to individuals under subsection (c)(3), be effective as of January 1, 1987.

**SEC. 126. SPECIAL PAY OF VETERANS' ADMINISTRATION PHYSICIANS INCLUDED IN AVERAGE SALARY UNDER FEERS.**

Section 4118(f) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking "81 or 83" and inserting in lieu thereof "81, 83, or 84"; and

(2) in paragraph (2)—

(A) in the first sentence, by striking "chapter 83 of title 5" and inserting in lieu thereof "chapter 83 or 84 of title 5, as the case may be";

(B) in the second sentence, by striking "section 8331(4)" and all that follows thereafter through "or" and inserting in lieu thereof the following: "section 8331(4) or 8401(3) of such title (as applicable) only—

"(A) for the purposes of computing benefits paid under section 8337, 8341 (d) or (e), 8442(b), 8443, or 8451 of such title; or"; and

(C) in subparagraph (B), by inserting "if" at the beginning thereof.

**SEC. 127. APPLICATION DEADLINE FOR CERTAIN FORMER SPOUSES.**

Section 4(b)(1)(B) of the Civil Service Retirement Spouse Equity Act of 1984 (Public Law 98-615; 98 Stat. 3205), as amended by section 201(b)(1)(C) of the Federal Employees Benefits Improvement Act of 1986 (Public Law 99-251; 100 Stat. 22), is amended—

(1) in clause (i), by inserting "and before May 8, 1987" before the semicolon; and

(2) by amending clause (iv) to read as follows:

"(iv) the former spouse files an application for the survivor annuity with the Office on or before May 7, 1989; and".

**TITLE II—FOREIGN SERVICE RETIREMENT****PART A—GENERAL PROVISIONS****SEC. 201. REFERENCES.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment or repeal to a section or other provision, the reference shall be considered to be made to a section or other provision of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.).

**SEC. 202. FORMER SPOUSES MARRIED BETWEEN 9 MONTHS AND 10 YEARS.**

(a) IN GENERAL.—Subchapter I of chapter 8 (22 U.S.C. 4041 et seq.) is amended by adding after section 829 the following new section:

"SEC. 830. QUALIFIED FORMER WIVES AND HUSBANDS.—(a) Notwithstanding section 4(h) of the Civil Service Retirement Spouse Equity Act of 1984, section 827 of this Act shall apply with respect to section 8339(f), section 8341(e), and section 8341(h) of title 5, United States Code, and section 4 (except for subsection (b)) of the Civil Service Retirement Spouse Equity Act of 1984 to the extent that those sections apply to a qualified former wife or husband. For the purposes of this section any reference in the Civil Service Retirement Spouse Equity Act of 1984 to the effective date of that Act shall be deemed to be a reference to the effective date of this section.

"(b)(1) Payments pursuant to this section which would otherwise be made to a participant or former participant based upon his service shall be paid (in whole or in part) by the Secretary of State to another person if and to the extent expressly provided for in the terms of any court order or spousal agreement. Any payment under this paragraph to a person bars recovery by any other person.

"(2) Paragraph (1) shall only apply to payments made by the Secretary of State under this chapter after the date of receipt by the Secretary of State of written notice of such court order or spousal agreement and such additional information and documentation as the Secretary of State may prescribe.

"(c) For the purposes of this section, the term 'qualified former wife or husband' means a former wife or husband of an individual if—

"(1) such individual performed at least 18 months of civilian service creditable under this chapter; and

"(2) the former wife or husband was married to such individual for at least 9 months but not more than 10 years.

"(d) Regulations issued pursuant to section 827 to implement this section shall be submitted to the Committee on Post Office and Civil Service and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. Such regulations shall not take effect until 60 days after the date on which such regulations are submitted to the Congress."

(b) CONFORMING AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting after the item relating to section 829 the following:

"Sec. 830. Qualified former wives and husbands."

**SEC. 203. ELECTION TO PROVIDE SURVIVOR ANNUITY FOR CERTAIN SPOUSES ACQUIRED BEFORE THE EFFECTIVE DATE OF THE FOREIGN SERVICE ACT OF 1980.**

(a) ELECTION.—A former participant who married his or her current spouse before the effective date of the Foreign Service Act of 1980 and who married such spouse after retirement under the Foreign Service Retirement and Disability System and who was unable to provide a survivor annuity for such spouse because—

(1) the participant was married at the time of retirement and elected not to provide a survivor annuity for that spouse at the time of retirement; or

(2) subject to subsection (e), the participant failed to notify the Secretary of State of the participant's post-retirement marriage within one year after the marriage, may make the election described in subsection (b).

(b) ELECTION DESCRIBED.—

(1) The election referred to in subsection (a) is an election in writing—

(A) to provide for a survivor annuity for such spouse under section 806(g) of the Foreign Service Act of 1980 (22 U.S.C. 4046(g));

(B) to have his or her annuity reduced under section 806(b)(2) of such Act; and

(C) to deposit in the Foreign Service Retirement and Disability Fund an amount determined by the Secretary of State, as nearly as may be administratively feasible, to reflect the amount by which such participant's annuity would have been reduced had the election been continuously in effect since the annuity commenced, plus interest computed under paragraph (2).

(2) For the purposes of paragraph (1), the annual rate of interest shall be 6 percent for each year during which the annuity would have been reduced if the election had been in effect on and after the date the annuity commenced.

(c) OFFSET.—If the participant does not make the deposit referred to in subsection (b)(1)(C), the Secretary of State shall collect such amount by offset against such participant's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to such participant. Such participant is deemed to consent to such offset.

(d) NOTICE.—The Secretary of State shall provide for notice to the general public of the right to make an election under this section.

(e) PROOF OF ATTEMPTED ELECTION.—In any case in which subsection (a)(2) applies, the retired employee or Member shall provide the Secretary of State with such documentation as the Secretary of State shall decide is

appropriate, to show that such participant attempted to elect a reduced annuity with survivor benefit for his or her current spouse and that such election was rejected by the Secretary of State because it was untimely filed.

(f) DEPOSIT.—A deposit required by this subsection may be made by the surviving spouse of the participant.

(g) LIMITATION.—The election authorized in subsection (a) may only be made within one year after the date of enactment of this title in accordance with procedures prescribed by the Secretary of State.

(h) DEFINITIONS.—For the purposes of this section, the terms "participant" and "surviving spouse" have the same meaning given such terms in subchapter I of chapter 8 of the Foreign Service Act of 1980.

**SEC. 204. BENEFITS FOR CERTAIN FORMER SPOUSES OF MEMBERS OF THE FOREIGN SERVICE.**

(a) IN GENERAL.—Subchapter I of chapter 8 (22 U.S.C. 3901 et seq.), as amended by section 202 of this title, is amended by inserting after section 830 the following:

**"SEC. 831. RETIREMENT BENEFITS FOR CERTAIN FORMER SPOUSES.**

"(a) Any individual who was a former spouse of a participant or former participant on February 14, 1981, shall be entitled, to the extent of available appropriations, and except to the extent such former spouse is disqualified under subsection (b), to benefits—

"(1) if married to the participant throughout the creditable service of the participant, equal to 50 percent of the benefits of the participant; or

"(2) if not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 percent of such benefits.

"(b) A former spouse shall not be entitled to benefits under this section if—

"(1) the former spouse remarries before age 55; or

"(2) the former spouse was not married to the participant at least 10 years during service of the participant which is creditable under this chapter with at least 5 years occurring while the participant was a member of the Foreign Service.

"(c)(1) The entitlement of a former spouse to benefits under this section—

"(A) shall commence on the later of—

"(i) the day the participant upon whose service the benefits are based becomes entitled to benefits under this chapter; or

"(ii) the first day of the month in which the divorce or annulment involved becomes final; and

"(B) shall terminate on the earlier of—

"(i) the last day of the month before the former spouse dies or remarries before 55 years of age; or

"(ii) the date of the benefits of the participant terminates.

"(2) Notwithstanding paragraph (1), in the case of any former spouse of a disability annuitant—

"(A) the benefits of the former spouse shall commence on the date the participant would qualify on the basis of his or her creditable service for benefits under this chapter (other than a disability annuity) or the date the disability annuity begins, whichever is later; and

"(B) the amount of benefits of the former spouse shall be calculated on the basis of benefits for which the participant would otherwise so qualify.

"(3) Benefits under this section shall be treated the same as an annuity under sec-

tion 814(a)(7) for purposes of section 806(h) or any comparable provision of law.

"(4)(A) Benefits under this section shall not be payable unless appropriate written application is provided to the Secretary, complete with any supporting documentation which the Secretary may by regulation require, within 30 months after the effective date of this section. The Secretary may waive the 30-month application requirement under this subparagraph in any case in which the Secretary determines that the circumstances so warrant.

"(B) Upon approval of an application provided under subparagraph (A), the appropriate benefits shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such benefits under this section, but in no event shall benefits be payable under this section with respect to any period before the effective date of this section.

"(d) For the purpose of this section, the term 'benefits' means—

"(1) with respect to a participant or former participant subject to this subchapter, the annuity of the participant or former participant; and

"(2) with respect to a participant or former participant subject to subchapter II, the benefits of the participant or former participant under that subchapter.

"(e) Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this chapter.

**"SEC. 832. SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES.**

"(a) Any individual who was a former spouse of a participant or former participant on February 14, 1981, shall be entitled, to the extent of available appropriations, and except to the extent such former spouse is disqualified under subsection (b), to a survivor annuity equal to 55 percent of the greater of—

"(1) the full amount of the participant's or former participant's annuity, as computed under this chapter; or

"(2) the full amount of what such annuity as so computed would be if the participant or former participant had not withdrawn a lump-sum portion of contributions made with respect to such annuity.

"(b) If an election has been made with respect to such former spouse under section 2109 or 806(f), then the survivor annuity under subsection (a) of such former spouse shall be equal to the full amount of the participant's or former participant's annuity referred to in subsection (a) less the amount of such election.

"(c) A former spouse shall not be entitled to a survivor annuity under this section if—

"(1) the former spouse remarries before age 55; or

"(2) the former spouse was not married to the participant at least 10 years during service of the participant which is creditable under this chapter with at least 5 years occurring while the participant was a member of the Foreign Service.

"(d)(1) The entitlement of a former spouse to a survivor annuity under this section—

"(A) shall commence—

"(i) in the case of a former spouse of a participant or former participant who is deceased as of the effective date of this section, beginning on such date; and

"(ii) in the case of any other former spouse, beginning on the later of—

"(I) the date that the participant or former participant to whom the former spouse was married dies; or

"(II) the effective date of this section; and

"(B) shall terminate on the last day of the month before the former spouse's death or remarriage before attaining the age 55.

"(2)(A) A survivor annuity under this section shall not be payable unless appropriate written application is provided to the Secretary, complete with any supporting documentation which the Secretary may by regulation require, within 30 months after the effective date of this section. The Secretary may waive the 30-month application requirement under this subparagraph in any case in which the Secretary determines that the circumstances so warrant.

"(B) Upon approval of an application provided under subparagraph (A), the appropriate survivor annuity shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such annuity under this section, but in no event shall a survivor annuity be payable under this section with respect to any period before the effective date of this section.

"(e) The Secretary shall—

"(1) as soon as possible, but not later than 60 days after the effective date of this section, issue such regulations as may be necessary to carry out this section; and

"(2) to the extent practicable, and as soon as possible, inform each individual who was a former spouse of a participant or former participant on February 14, 1981, of any rights which such individual may have under this section.

"(f) Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this chapter.

#### "SEC. 833. HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES.

"(a) Except as provided in subsection (c)(1), any individual—

"(1) formerly married to an employee or former employee of the Foreign Service, whose marriage was dissolved by divorce or annulment before May 7, 1985;

"(2) who, at any time during the 18-month period before the divorce or annulment became final, was covered under a health benefits plan as a member of the family of such employee or former employee; and

"(3) who was married to such employee for not less than 10 years during periods of government service by such employee, is eligible for coverage under a health benefits plan in accordance with the provisions of this section.

"(b)(1) Any individual eligible for coverage under subsection (a) may enroll in a health benefits plan for self alone or for self and family if, before the expiration of the 6-month period beginning on the effective date of this section, and in accordance with such procedures as the Director of the Office of Personnel Management shall by regulation prescribe, such individual—

"(A) files an election for such enrollment; and

"(B) arranges to pay currently into the Employees Health Benefits Fund under section 8909 of title 5, United States Code, an amount equal to the sum of the employee and agency contributions payable in the case of an employee enrolled under chapter 89 of such title in the same health benefits plan and with the same level of benefits.

"(2) The Secretary shall, as soon as possible, take all steps practicable—

"(A) to determine the identity and current address of each former spouse eligible for coverage under subsection (a); and

"(B) to notify each such former spouse of that individual's rights under this section.

"(3) The Secretary shall waive the 6-month limitation set forth in paragraph (1) in any case in which the Secretary determines that the circumstances so warrant.

"(c)(1) Any former spouse who remarries before age 55 is not eligible to make an election under subsection (b)(1).

"(2) Any former spouse enrolled in a health benefits plan pursuant to an election under subsection (b)(1) may continue the enrollment under the conditions of eligibility which the Director of the Office of Personnel Management shall by regulation prescribe, except that any former spouse who remarries before age 55 shall not be eligible for continued enrollment under this section after the end of the 31-day period beginning on the date of remarriage.

"(d) No individual may be covered by a health benefits plan under this section during any period in which such individual is enrolled in a health benefits plan under any other authority, nor may any individual be covered under more than one enrollment under this section.

"(e) For purposes of this section the term 'health benefits plan' means an approved health benefits plan under chapter 89 of title 5, United States Code."

(b) CONFORMING AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting after the item relating to section 830 the following:

"Sec. 831. Retirement benefits for certain former spouses.

"Sec. 832. Survivor benefits for certain former spouses.

"Sec. 833. Health benefits for certain former spouses.

#### PART B—FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

##### SEC. 211. DEFINITION OF SURVIVING SPOUSE.

Paragraph (13) of section 804 (22 U.S.C. 4044) is amended—

(1) by striking out "in the case of death in service or marriage after retirement,";

(2) by striking out "one year" and inserting in lieu thereof "9 months"; and

(3) by inserting before the semicolon the following: "except that the requirement for at least 9 months of marriage shall be deemed satisfied in any case in which the participant or annuitant dies within the applicable 9-month period, if—

"(A) the death of such participant or annuitant was accidental; or

"(B) the surviving spouse of such individual had been previously married to the individual and subsequently divorced and the aggregate time married is at least 9 months".

##### SEC. 212. CONTRIBUTIONS FOR PRIOR SERVICE.

Paragraph (1) of section 805(d) (22 U.S.C. 4045(d)) is amended—

(1) by striking out "equal to" and inserting in lieu thereof "Special contributions for purposes of subparagraph (A) shall equal"; and

(2) by adding at the end thereof the following: "Special contributions for refunds under subparagraph (B) shall equal the amount of the refund received by the participant."

##### SEC. 213. COMPUTATION OF ANNUITIES.

(a) JOINT ELECTION TO WAIVE SURVIVOR ANNUITY WITH RESPECT TO A FORMER SPOUSE.—Subparagraph (C) of section 806(b)(1) (22 U.S.C. 4046(b)(1)) is amended by striking

out "12-month" and inserting in lieu thereof "24-month"; and

(b) RECALL SERVICE.—Paragraph (2) of section 806(i) (22 U.S.C. 4046 (i)) is amended by striking out "section 814(b)" and inserting in lieu thereof "this subchapter".

##### SEC. 214. SURVIVOR BENEFITS FOR CHILDREN.

(a) SURVIVOR BENEFITS FOR CHILDREN.—Section 806 of Chapter 8 (22 U.S.C. 4046) (as amended by section 213 of this Act) is amended—

(1) in subsection (c), by inserting "or a former spouse who is the natural or adoptive parent of a surviving child of the annuitant" after "survived by a spouse" each place it appears; and

(2) in subsection (d), by amending the first sentence to read as follows: "On the death of the surviving spouse or former spouse or termination of the annuity of a child, the annuity of any other child or children shall be recomputed and paid as though the spouse, former spouse, or child had not survived the participant."

(b) DEATH IN SERVICE.—Section 809 (22 U.S.C. 4049) is amended—

(1) in subsection (c), by inserting "or a former spouse who is the natural or adoptive parent of a surviving child of the annuitant," after "spouse"; and

(2) in subsection (d), by inserting "or a former spouse who is the natural or adoptive parent of a surviving child of the annuitant," after "spouse."

##### SEC. 215. MINIMUM AGE REQUIREMENT.

(a) DISABILITY ANNUITY.—Subsections (a) and (b) of section 808 (22 U.S.C. 4048) are each amended by striking out "65" each place it appears and inserting in lieu thereof "60".

(b) DEATH IN SERVICE.—Subsection (e) of section 809 (22 U.S.C. 4049) is amended by striking out "65" and inserting in lieu thereof "60".

##### SEC. 216. VOLUNTARY RETIREMENT.

Section 811 of Chapter 8 (22 U.S.C. 4051) is amended by adding at the end thereof the following: "The Secretary shall withhold consent for retirement under this section by any participant who has not been a member of the Service for 5 years. Any participant who voluntarily separates from the Service before completing 5 years in the System and who, on the date of separation, would be eligible for an annuity, based on a voluntary separation, under section 8336 or 8338 of title 5, United States Code, if the participant had been covered under the Civil Service Retirement System rather than subject to this chapter while a member of the Service, may receive an annuity under section 8336 or 8338, notwithstanding section 8333(b) of title 5, United States Code, if all contributions transferred to the Fund under section 805(c)(1) of this Act, as well as all contributions withheld from the participant's pay or contributed by the employer, and deposited into the Fund during the period he or she was subject to this chapter, including interest on these amounts, are transferred to the Civil Service Retirement and Disability Fund effective on the date the participant separates from the Service."

##### SEC. 217. FORMER SPOUSES.

(a) 5 YEAR FOREIGN SERVICE REQUIREMENT.—Paragraph (1) of section 814(a) is amended by inserting "if such former spouse was married to the participant for at least 10 years during service of the participant which is creditable under this chapter with at least 5 of such years occurring while the participant was a member of the Foreign Service and" after "annuity".

(b) COURT ORDER EFFECTIVE 24 MONTHS AFTER MARRIAGE IS DISSOLVED.—Paragraph (4) of section 814(a) (22 U.S.C. 4054(a)) is amended by striking out "12" and inserting in lieu thereof "24".

(c) MONTHLY RATE OF ANNUITY NOT APPLICABLE IN CERTAIN SITUATION.—

(1) Subsection (1) of section 806 (22 U.S.C. 4046) is repealed.

(2) Subsection (d) of section 814 (22 U.S.C. 4054) is repealed.

#### SEC. 218. LUMP SUM PAYMENTS.

(a) REQUIREMENTS FOR PAYMENT.—Subsection (a) of section 815 (22 U.S.C. 4055) is amended to read as follows:

"(a)(1) A participant is entitled to be paid a lump-sum credit if the participant—

"(A) is separated from the Service for at least 31 consecutive days, or is transferred to a position in which the participant is not subject to this chapter and remains in such a position for at least 31 consecutive days;

"(B) files an application with the Secretary of State for payment of the lump-sum credit;

"(C) is not reemployed in a position in which the participant is subject to this chapter at the time the participant files the application;

"(D) will not become eligible to receive an annuity under this subchapter within 31 days after filing the application; and

"(E) has notified any spouse or former spouse the participant may have of the application for payment in accordance with regulations prescribed by the Secretary of State.

Such regulations may provide for waiver of subparagraph (E) under circumstances described in section 806(b)(1)(D).

"(2) Such lump sum credit shall be paid to the participant and to any former spouse of the participant in accordance with subsection (i)."

#### SEC. 219. COST OF LIVING ADJUSTMENTS.

Paragraph (1) of section 826(c) (22 U.S.C. 4066(c)) is amended to read as follows:

"(1) The first increase (if any) made under this section to an annuity which is payable from the Fund to a participant or to the surviving spouse or former spouse of a deceased participant who died in service or a deceased annuitant whose annuity was not increased under this section, shall be equal to the product (adjusted to the nearest  $\frac{1}{10}$  of 1 percent) of—

"(A)  $\frac{1}{2}$  of the applicable percent change computed under subsection (b) of this section, multiplied by

"(B) the number of months (counting any portion of a month as a month)—

"(i) for which the annuity was payable from the Fund before the effective date of the increase, or

"(ii) in the case of a surviving spouse or former spouse of a deceased annuitant whose annuity has not been so increased, since the annuity was first payable to the deceased annuitant."

#### PART C—FOREIGN SERVICE PENSION SYSTEM

##### SEC. 241. DEFINITION OF LUMP-SUM CREDIT.

Section 852 of chapter 8 (22 U.S.C. 4071a) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) the term 'lump-sum credit' means the unrefunded amount consisting of—

"(A) retirement deductions made from the basic pay of a participant under section 856 of this chapter (or under section 204 of the

Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983);

"(B) amounts deposited by a participant under section 854 to obtain credit under this System for prior civilian or military service; and

"(C) interest on the deductions and deposits which, for any calendar year, shall be equal to the overall average yield to the Fund during the preceding fiscal year from all obligations purchased by the Secretary of the Treasury during such fiscal year under section 819, as determined by the Secretary of the Treasury (compounded annually); but does not include interest—

"(i) if the service covered thereby aggregates 1 year or less; or

"(ii) for a fractional part of a month in the total service;"

##### SEC. 242. CONTRIBUTION FOR CREDITABLE SERVICE OF EMPLOYEE OF A MEMBER OF OFFICE OF THE CONGRESS.

The second sentence of subsection (e) of section 854 (22 U.S.C. 4071c) is amended—

(1) by striking out "matching"; and

(2) by inserting "determined under section 857(a)" after "participant".

##### SEC. 243. CONFORMING AMENDMENT, HEALTH CARE.

Subsection (b) of section 904 (22 U.S.C. 4084) is amended by inserting "or Foreign Service Pension System" after "Foreign Service Retirement and Disability System".

#### PART D—SAVINGS PROVISIONS AND EFFECTIVE DATE

##### SEC. 261. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect 90 days after the date of enactment of this title.

(b) EXCEPTIONS.—

(1) The amendments made by section 202 shall apply to any individual who, on or after the date of enactment of this title, is married to a participant or former participant.

(2) The amendment made by section 217(a) shall not apply with respect to the former spouse of a participant or former participant who is subject to subchapter I of chapter 8 of the Foreign Service Act of 1980 if, on the date of enactment of this title, that former spouse—

(A) was the spouse of that participant or former participant; or

(B) is entitled to an annuity under section 814 of the Foreign Service Act of 1980 pursuant to the divorce or annulment of the marriage to that participant or former participant.

(c) DEFINITIONS.—For the purpose of this section, the terms "participant" and "former participant" have the same meaning as such terms in chapter 8 of the Foreign Service Act of 1980.

The SPEAKER pro tempore. Is a second demanded?

Mr. MYERS of Indiana. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. OAKAR] will be recognized for 20 minutes and the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I want to say what a pleasure it will be to share the floor with the gentleman from Indiana [Mr. MYERS], the distinguished minority leader of the Subcommittee on Compensation and Employee Benefits of the Committee on Post Office and Civil Service. It is a real pleasure to be able to work with the gentleman from Indiana, in this case on the floor.

Mr. Speaker, the primary purpose of H.R. 3395 is to make necessary technical changes in the laws relating to the Federal employees' retirement system, the civil service retirement system, and the two retirement systems applicable to Foreign Service personnel.

Last year, the Congress passed, and the President signed into law, the Federal Employees' Retirement System Act of 1986. That act established a new three tiered retirement system consisting of a defined benefit plan, a deferred compensation plan, and social security benefits. A similar system was established for Foreign Service personnel.

The new systems are applicable to those Federal employees first hired by the Government after December 1983 and covered by Social Security, and to employees under the civil service retirement system who elect to convert to the new system before the end of this year.

Over the past year, the various executive branch agencies responsible for administering the new retirement programs have brought to the attention of the Committee on Post Office and Civil Service numerous problems—mostly technical in nature—which have been discovered during implementation of the 1986 act. Almost all of the provisions of H.R. 3395 reflect changes proposed by these executive branch agencies.

The numerous technical changes proposed by H.R. 3395 are necessary to ensure that the new retirement provisions will be applied in a fair and effective manner, as originally intended by Congress.

For example, when implementing the new disability provisions of the Federal employees' retirement system, the Office of Personnel Management discovered that the application of certain provisions would result in a significant reduction in total income for certain disability annuitants upon their attaining age 62. Such a result, of course, was not intended, and section 122 of the bill corrects the problem.

In another instance, it has been discovered that, contrary to the original intent of Congress, certain employees may not be eligible to participate in the newly established thrift savings plan on a tax-deferred basis. The employees involved are employees on leave without pay to serve as officers of employee organizations, employees serving on Intergovernmental Person-

nel Act assignments, and certain employees engaged in cooperative extension work. Although these individuals are Federal employees and are entitled to participate in the Federal retirement systems, a question has been raised as to whether they may participate in the thrift savings plan because they receive no salary from the Federal Government. Section 125 of the bill addresses this problem by specifically authorizing such employees to participate in the thrift plan.

In addition to the necessary technical changes, H.R. 3395 contains a few minor substantive amendments. One of these substantive amendments relates to the retirement coverage of law enforcement officers and firefighters under the Federal employees' retirement system. The 1986 act included a requirement that firefighters and law enforcement officers who are transferred to administrative or supervisory positions must have completed at least 10 years of firefighter or law enforcement service prior to such transfer in order to continue coverage under the more generous firefighter or law enforcement retirement provisions of the act. Various law enforcement agencies of the Government have persuaded the committee that this 10-year requirement will have a disastrous effect on their ability to promote talented employees to supervisory or administrative positions. The committee, therefore, is proposing to eliminate the 10-year requirement.

Mr. Speaker, H.R. 3395 was ordered reported by a voice vote of the Committee on Post Office and Civil Service. The bill has only minimal budgetary impact, and we are not aware of any opposition to the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from Ohio [Ms. OAKAR] for the very kind words that she has just expressed, and I want to thank her for the fine job she always does on the committee.

Mr. Speaker, last year the Congress passed the Federal Employees' Retirement System Act of 1986. The act established a new retirement system for those Federal employees hired after January 1, 1984, and now covered under Social Security. As might be expected with legislation as complicated as FERSA, the need for numerous technical corrections has become apparent as implementation of FERSA proceeds. For the last 8 months the committee staff has worked with the Office of Personnel Management and other agencies to develop provisions to correct any technical defects.

H.R. 3395 makes numerous technical amendments concerning the Federal employees' retirement system and the

civil service retirement system. Some minor substantive amendments made by the bill include:

The elimination of the FERSA requirement that a law enforcement officer or firefighter who transfers to a supervisory or administrative position must have completed at least 10 years of law enforcement or firefighter service in order to continue coverage under the law enforcement officer and firefighter retirement provisions;

Providing retirement credit for certain service by Foreign Service national employees which prior to a 1982 OPM policy change had been deemed creditable;

Exclusion of Foreign Service nationals from FERS and from the thrift savings plan;

Providing that the expenses of the thrift savings plan shall be paid from the earnings on all contributions held in the fund, not just from earnings on matching Government contributions; and

Extending the application deadline for certain former spouses to apply for survivor benefits from May 7, 1987, to May 7, 1989.

Mr. Speaker, the Federal Employees' Retirement System Act represented historic legislation by bringing the Government pension system closer in line with comparable private sector plans. It is an excellent system and Congress should facilitate all means to make it an even better system. These technical amendments represent just one area where Congress can further fine tune a system which benefits all Federal employees. I urge all my colleagues to support this legislation.

Mr. MONTGOMERY. Mr. Speaker, I rise in support of H.R. 3395 which clarifies and makes technical corrections to the laws providing retirement benefits to Federal employees. Section 126 of the bill clarifies that special pay for VA dentists and physicians will be treated in the same manner for both retirement plans [FERS and CSRS]. Our committee believes that special pay is essential in order to retain the services of qualified doctors in the VA's Department of Medicine and Surgery. It is only fair that this pay be considered in calculating a physician's retirement benefit. I commend the gentleman from Michigan [Mr. FORD] for reporting this legislation. I'm also grateful to the gentlelady from Ohio [Ms. OAKAR].

Mr. MYERS of Indiana. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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Ms. OAKAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentlewoman from Ohio [Ms. OAKAR] that the House suspend the rules and pass the bill, H.R. 3395, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3395, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

#### RURAL CRISIS RECOVERY PROGRAM ACT OF 1987

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3492) entitled the "Rural Crisis Recovery Program Act of 1987."

The Clerk read as follows:

H.R. 3492

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Crisis Recovery Program Act of 1987".

##### SEC. 2. COUNSELING AND OUTREACH PROGRAMS TO AID FARMERS AND RURAL FAMILIES.

Subsection (f) of section 502 of the Rural Development Act of 1972 (7 U.S.C. 2662(f)) is amended to read as follows:

"(f) SPECIAL GRANTS FOR FINANCIALLY STRESSED FARMERS, DISLOCATED FARMERS, AND RURAL FAMILIES.—

"(1) GRANT PROGRAM.—

"(A) PROGRAM BENEFICIARIES.—The Secretary shall provide special grants for programs to develop educational, retraining, and counseling assistance for farmers, dislocated farmers, and rural families, who have been adversely affected by the current farm and rural economic crisis.

"(B) SERVICES TO BE PROVIDED.—Such programs shall provide the following services:

"(i) Clinical outreach counseling and crisis management assistance through appropriate State officials.

"(ii) Assistance in evaluating individual or family finances, preparing financial plans, and implementing financial plans and management strategies.

"(iii) Evaluation of vocational skills and counseling in enhancing such skills.

"(iv) Assistance in obtaining training in basic, remedial, and literacy skills.

"(v) Assistance in job search and training in job-seeking skills.

"(vi) Assistance in obtaining training for operating a business or enterprise.

"(vii) Formal on-the-job training to the extent practicable.

"(viii) Tuition assistance (including fees, books, and other educational expenses) to the extent practicable.

"(C) AUTHORITY OF GRANT RECIPIENTS TO CONTRACT FOR DELIVERY OF SERVICES.—The recipients of a grant under this subsection may contract for the delivery of such services with units of local government, State agencies, accredited educational institu-

tions, and other appropriate public and private nonprofit agencies and organizations.

"(D) DEVELOPMENT OF COMPREHENSIVE PLAN.—The Agricultural Extension Service of the Department of Agriculture is encouraged to work with State agencies, units of local government, and other public and private nonprofit agencies and organizations in developing a comprehensive plan for the use of the special grant funds and the delivery of services provided for in this subsection.

"(2) GRANT PERIOD.—Grants may be made under paragraph (1) during the period beginning on the date of the enactment of this Act and ending on December 23, 1990."

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3492, the Rural Crisis Recovery Program Act of 1987. This bill would amend the Rural Development Act of 1972 (7 U.S.C. 2662) to require the Secretary of Agriculture to provide grants for education and counseling assistance to financially stressed farmers, dislocated farmers, and rural families. This program is an essential part of our efforts to help revitalize rural America.

A grant program established by section 1440 of the Food Security Act of 1985 provided the basis for financial assistance to the States for a variety of counseling and assistance programs. The funds appropriated under this authorization have been used for a variety of purposes, including financial planning and career counseling, job training, and to a limited degree, outreach counseling. H.R. 3492 responds to the immediate need to provide additional assistance to those who are attempting to deal with the personal and family stress that has resulted from the rural economic crisis.

Although there are signs that the financial stress in some sectors of the agricultural community may be lessening, many farmers and rural communities continue to suffer. A recent U.S. Department of Agriculture report to Congress on the status of family farms indicates that total farm debt in the United States has increased by nearly 30 percent since 1980. Over one-fifth of all U.S. farms have a debt to asset ratio greater than 40 percent, which is indicative of a farm that is "highly leveraged" and financially vulnerable.

Among those hardest hit are young farmers who have recently entered agriculture. Over 20 percent of operators under age 35 are suffering financial stress in comparison to about 7 percent of the operators aged 55 or older. Ultimately, the Department predicts that "as many as 15 percent of all farm operators who were in business before 1980 may leave farming for financial reasons before the current financial adjustments end."

The repercussions of financial stress on many farm operators are felt by their families, friends, and by the communities in which they live. The stress leads to a variety of personal and social problems, some of which may be life threatening. We hear of cases of depression, anxiety, functional impairment, spouse abuse, child abuse, alcoholism, drug abuse, suicide, and even homicides. The personal tragedies associated with the rural economic crisis are widespread. Many of my colleagues may recall the national headlines when a farmer from Hills, IA shot his banker upon learning that he would be forced to leave farming. In Nebraska the number of divorces in rural areas has increased 10 percent while those in urban areas have declined by nearly the same amount. Colorado officials report that the number of children and adolescents admitted to rural mental health centers with depression is nearly double the number of cases at urban centers during the last 6 years. And just last month, six members of one financially pressed rural family in Missouri were slain by a family member.

A number of States, local communities, civic and church groups have responded to this crisis by developing their own mental health assistance programs for farmers and rural families. For example, the State of Missouri, with the benefit of section 1440 moneys, established its "rural community service project" to address the mental health problems of those affected by the rural economic crisis. The State of Illinois, largely with State funds, initiated "Stress: Country Style," a program to provide stress counseling and intervention services to rural families. In Iowa, two rural mental health centers have provided outreach, education, and counseling services to increasing numbers of rural residents. The Kansas Legislature established the Farmers Assistance, Counseling, and Training Service [FACTS], a toll-free hotline to provide information, counseling, and referral services for rural families in need. Similar hotline programs have been initiated in my home State of Texas and other States.

In fiscal year 1987, approximately \$1.5 million was appropriated to initiate rural assistance programs in eight States under the authority of section 1440 of the 1985 Food Security Act.

However, much more needs to be done to ensure that farmers and rural families have the assistance they may need to cope with their immediate financial problems so that they can look ahead to a brighter future.

H.R. 3492 will expand the scope of the existing 1440 grant program of the 1985 farm bill to provide a source of immediate support to those who have been impacted by the farm crisis. This program, developed by my colleague Mr. COLEMAN of Missouri, has provided a good start in some States. But more help is needed now.

Working with Mr. COLEMAN and with the distinguished chairman of the Agriculture Committee's Subcommittee on Conservation, Credit, and Rural Development, Mr. JONES of Tennessee, we have fashioned H.R. 3492 to make needed improvements in the "1440" program. Specifically, the rural recovery program act of 1987 broadens the list of those who can benefit from the services provided from special grants. Recognizing that the farm crisis is, in fact, a rural economic crisis, others not directly involved in farming but equally affected by agriculture's financial problems may also avail themselves of educational, outreach counseling, and retraining services.

In addition to financial counseling, vocational training, and job-seeking services, H.R. 3492 would provide, to the extent practicable, on-the-job training and financial support for educational expenses such as tuition and books to those who wish to learn a new skill or go back to school to launch a new career.

Finally, and perhaps most importantly, H.R. 3492 would direct the Secretary of Agriculture to provide clinical outreach programs in crisis management assistance such as 24-hour hotlines and local counseling services to farmers, their families, and their rural neighbors. This service is critical to ensure that those in distress are able to obtain the professional support and counseling that they need to pick themselves up and move on.

This portion of H.R. 3492 was developed with the help of rural sociologists and other professionals familiar with the mental health problems facing rural families. The assistance of the "rural family issues coalition" in developing this element of the legislation deserves special recognition.

I view this bill as one small, but critical element in revitalizing rural America. The career and financial counseling and job training programs authorized by section 1440 of the Food Security Act have been extremely successful and remain essential to help financially stressed and dislocated farmers and rural families. These programs warrant renewal and refinement in accordance with H.R. 3492. Their con-

tinuation through 1990 as provided by H.R. 3492 is essential.

I remain optimistic that the Food Security Act will work to restore the strength of American agriculture. There are already signs that this is occurring. Nevertheless, we still have severe economic problems in some segments of agriculture, and without the assistance that would be provided by the Rural Crisis Recovery Program Act of 1987, I fear that many rural residents will be unable to see beyond their immediate financial problems to avail themselves of the career counseling, financial assistance, and other sources of support that are intended to help get them back on their feet.

I urge immediate passage of H.R. 3492.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Iowa [Mr. GRANDY] will control the time for the minority.

There was no objection.

Mr. GRANDY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3492, the Rural Crisis Recovery Act of 1987.

The program authorized in this bill may be better known by some as "section 1440" of the 1985 farm bill. The program was developed to help distressed and displaced farmers cope with the ailing agricultural economy. My colleague from Missouri, Mr. COLEMAN, was the original author of this program.

The legislation that we are considering today extends the life of this program authorized by the 1985 farm bill through 1990. Under this program, Federal grants are provided through the University Extension Service to develop education, retraining, and counseling assistance for financially stressed farmers, dislocated farmers and rural families who have been adversely affected by the current farm and rural economic crisis.

Specifically, these services may include: Clinical outreach counseling and crisis management assistance; individual or family financial planning and management; job search assistance and training in job-seeking skills; on-the-job training; assistance in obtaining training in basic, remedial and literacy skills; assistance in obtaining training for operating a business or enterprise; evaluation of vocational counseling in enhancing such skills; tuition assistance, including fees, books and other educational expenses.

This program is important to help ease the transition for farmers who may have to leave farming. It helps them to develop confidence in themselves and to recognize that they have something to contribute to society.

In closing, I would like to urge my colleagues to join me in supporting H.R. 3492.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 3492.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3492, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### REGARDING SOVIET MISSILE FIRINGS NEAR HAWAII

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 199) with regard to Soviet missile firings near Hawaii.

The Clerk read as follows:

#### H. CON. RES. 199

Whereas the Union of Soviet Socialist Republics and the United States are presently negotiating a reduction of nuclear weapons and have recently concluded an agreement with respect to reducing the risks of accidental nuclear war;

Whereas the Soviet Union has recently conducted two tests of its heavy intercontinental ballistic missiles over trajectories similar to those which could be used in actual attacks on the Hawaiian Islands;

Whereas the announced impact points for reentry vehicles from these tests could have resulted in the overflight of sovereign United States territory, namely the Hawaiian Islands;

Whereas the Soviet Union reportedly encrypted telemetry from the flight tests in potential violation of the provisions of bilateral arms control agreements;

Whereas the Soviet Union used a directed energy device, believed to be a laser, to irradiate a United States military aircraft in international airspace that was monitoring the tests, having the potential effect of interfering with our national technical means of verification;

Whereas had this test misfired, Soviet ballistic missile test re-entry vehicles could have landed on population centers in the Hawaiian Islands; and

Whereas the United States does not test strategic missiles in the direction of or in close proximity to sovereign Soviet territory: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—*

(1) the actions of the Soviet Union in testing intercontinental ballistic missiles in the Hawaiian region and irradiating United States monitoring aircraft are provocative, unnecessary, and inconsistent with behavior designed to reduce the risk of nuclear war;

(2) the United States Government—

(A) should officially and at the highest levels protest these actions by the Soviet Union and should inform the Soviet Union that it cannot tolerate flight tests in close proximity to sovereign United States territory or interference with United States monitoring aircraft; and

(B) should seek Soviet assurances that such missile testing near United States territory and irradiation of United States aircraft will not occur in the future; and

(3) the President should report to the Congress within ten days, in both classified and unclassified forms, on—

(A) the details of these Soviet missile tests, including the irradiation of the United States monitoring aircraft;

(B) Soviet explanations offered in response to United States protests; and

(C) what steps will be taken to ensure that such activities will not happen in the future.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 199, before us today, highlights the provocative nature of two recent Soviet actions. These include the Soviet Union's test firings of heavy intercontinental ballistic missiles [ICBM's] which landed uncharacteristically close to the Hawaiian Islands, and Soviet use of a directed energy device, believed to be a laser, to irradiate and temporarily blind a United States military officer of a United States reconnaissance aircraft.

Needless to say, this has been the cause of considerable concern in the House and the Senate. These actions by the Soviet Union are not only provocative, but unnecessary and inconsistent with behavior designed to reduce the risk of nuclear war. The United States does not test strategic missiles in the direction of, or in close proximity to Soviet territory. We should, therefore, be able to expect reciprocal restraint on the part of the Soviet Union.

It is with these thoughts in mind that I and my colleagues Representatives BROOMFIELD, SAIKI, and AKAKA introduced House Concurrent Resolution 199, which was approved by the House Foreign Affairs Committee last Wednesday, October 14. House Concurrent Resolution 199 incorporates

many of the elements of House Concurrent Resolution 191 introduced by Mrs. SAIKI. I would like to take this opportunity to thank our colleagues, Mr. AKAKA, Mrs. SAIKI, and Mr. BROOMFIELD for their contributions in drafting this important resolution and bringing it to the attention of the full House today.

The resolution is intended to send a clear message to the Soviet Union that Congress finds these activities unacceptable. The resolution also calls on the President to submit a full report to the Congress outlining: First, the details of the missile tests and the irradiation of United States aircraft; second, Soviet explanations offered in response to United States protests; and third, what steps will be taken to ensure that such activities will not happen in the future. I might add that the other body has attached similar language to the State Department authorization bill.

For these reasons, I urge my colleagues to support this legislation.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii, Mrs. SAIKI, the original sponsor of this legislation.

Mrs. SAIKI. Mr. Speaker, I rise in strong support of House Concurrent Resolution 199, a resolution protesting the recent Soviet nuclear tests near Hawaii.

I cannot speak firmly enough on behalf of all the people of Hawaii, when I say we are outraged that the Soviet Union has made our islands the latest target of nuclear intimidation. The Soviets' test of their ICBM's several weeks ago, were the closest to American soil ever conducted by a foreign nuclear power. The tests were intended to "bracket" Hawaii by firing one missile each to the north and south sides of the islands.

Had the tests been conducted according to plan, Soviet nuclear missiles would have flown over the Hawaiian Islands. Had any of the dummy warheads misfired even by seconds, missile debris could have hit Hawaii.

According to published reports, Soviet spokesmen have belittled and dismissed our concerns. I urge my fellow Members to support this resolution to send a clear message that the United States will not tolerate such heavy-handed tactics in the future.

I also endorse the committee's protest of Soviet interference with legitimate United States monitoring efforts. The Soviets reportedly used a directed energy device, or laser, to temporarily blind a United States military officer who was attempting to monitor the tests from the air, an established and acceptable means of verification.

Mr. Speaker, I would like to thank Chairman FASCELL, Vice Chairman BROOMFIELD, and Congressman SOLOMAN, for expediting this resolution

through the Foreign Affairs Committee. In addition, I would like to thank the many Members of the House who cosponsored the resolution which I originally introduced the day the tests were revealed to the public. These Members helped call attention to the seriousness of the situation and I include their names at this point in the CONGRESSIONAL RECORD.

#### LIST OF COSPONSORS OF H. CON. RES. 193

Bill Broomfield, Jim Bunning, Larry Coughlin, Paul Henry, Jim Lightfoot, Ron Packard, Bill Clinger, Frank Wolf, Cass Ballenger, Elton Gallegly, Dan Lungren, Jim Inhofe, Helen Delich Bentley, Newt Gingrich, Dick Cheney, and Arthur Ravenel.

Donald Lukens, Olympia Snowe, Marge Roukema, Steve Gunderson, Tom Tauke, Jim Jeffords, Barbara Vucanovich, Jan Myers (IN), Henry Hyde, Dennis Hastert, Gerald Solomon, Bob Walker, John Rowland (CT), Robert Smith (NH), Fred Grandy, Steve Bartlett, Bob Dornan (CA), Tommy Robinson, Richard Baker, Jim Courter, Fofu Sunia, Joel Hefley, Jack Buechner, John Hiler, Nancy Johnson (CT), David O'B. Martin (NY), Mickey Edwards (OK), Lynn Martin (IL), Wally Herger, Ben Blaz, and John Rhodes.

Pat Swindall, Bob McEwen, Ben Gilman, French Slaughter (VA), Bob Lagomarsino, Frank McCloskey, Sam Stratton, Bill Schuette, Ray McGrath, John Conyers, Frank Horton, Clarence Miller (OH), Norm Shumway, Dan Schaeffer, John Porter, and Al Bustamante.

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Mr. FASCELL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. I thank the gentleman from Florida, the chairman of the Committee on Foreign Affairs, for yielding time to me.

Mr. Speaker, as a cosponsor of House Concurrent Resolution 199, I rise in strong support of the resolution. First, let me thank the distinguished chairman of the Committee on Foreign Affairs, Mr. FASCELL, for his leadership in calling for a complete and coherent examination of the circumstances relating to the two recent missile test firings conducted by the Soviet Union in the vicinity of Hawaii.

I am deeply troubled by the events of September 29 and 30, during which time the Soviets bracketed areas of the Pacific Ocean, only a few hundred miles from Hawaii, as splashdown points for intercontinental ballistic missiles launched from Soviet Central Asia. As we are now well aware, the situation could have been far more ominous if the test of September 29 had not failed. Indeed, a successful re-entry of the first firing in the announced impact area southwest of the State would have resulted in the overflight of the Hawaiian Islands.

We have recently concluded an agreement with the Soviets aimed at lessening the possibility of an accidental nuclear war. In the wake of that agreement, these tests are all the more appalling. With American and Soviet

negotiators currently in Geneva seeking an agreement to eliminate INF missiles in Europe, the recent Soviet actions in testing ICBM missiles and irradiating United States aircraft in an attempt to obstruct detection serve to undermine their credibility and professed commitment to lasting peace and stability.

I sincerely hope that the events of September 29 and 30 are an aberration. The people of our State remember all too well how it is to be the herald of war. It is my fondest wish to see Hawaii serve not as a target, but as a bridge between the U.S.S.R. and the U.S.A., as a link of understanding and peace between our two nations.

Mr. Speaker, a final point of concern and bewilderment for my constituents and me, was the failure on the part of a single administration, State Department, or Defense Department official to notify and brief the Governor and Members of the Hawaii congressional delegation of the impending tests in a timely manner. Are we so preoccupied protecting foreign waters and resources from Soviet influence and Iranian silkworms, and negotiating for the safety of Western Europe that this incident will be written off as an inconsequential close call?

Mr. Speaker, I join with my colleague, the gentlewoman from Hawaii [Mrs. SAIKI], and all the people of Hawaii in calling upon the administration to issue a thorough report on the details of the test and our response to it, and to take the necessary steps to ensure no repetition of such provocative behavior.

I would like to take the opportunity to again thank the distinguished chairman of the Foreign Affairs Committee, Mr. FASCELL, the ranking member, Mr. BROOMFIELD, and the committee and subcommittee staff for their diligence in bringing this matter to the floor, and urge my colleagues to join us in sending this strong message.

Mr. FASCELL. Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a cosponsor with Chairman FASCELL, of this resolution, I want to strongly support this legislation and voice my opposition to the Soviet Union's recent missile tests aimed at the State of Hawaii.

These tests are just another example of provocative actions that the Soviet Union has directed against the United States.

While the United States and the Soviet Union reach agreement on ways to reduce the risk of nuclear war, the Soviets threaten the Hawaiian people with warlike ICBM tests.

And even while we negotiate with the Soviets at Geneva on arms reductions, according to press reports, the

Soviets encrypt the telemetry of this missile test, in open violation of the verification provisions of existing arms control agreements which they purport to honor.

Moreover, during their missile test, the Soviets used a laser or other directed energy device to target a United States aircraft monitoring this test, temporarily blinding the United States copilot.

Quite simply, Mr. Speaker, I find these Soviet actions outrageous. There is absolutely no excuse for what the Soviet Union did to endanger American lives.

As a result, I think we should demand that the Soviet Union never do this again. The resolution before us supports a United States protest at the highest level and requires a report to the Congress on the explanations the Soviets offer in response to this protest.

I would also like to take a moment to thank the Congresswoman from Hawaii, PATRICIA SAIKI, for first offering a resolution condemning Soviet tests in close proximity to her home State. She should be commended for acting immediately to ensure that the Soviet Union gets a very direct message—we do not approve of this type of provocative behavior.

I believe this resolution makes great sense and should be adopted.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO], a member of the Committee on Foreign Affairs.

Mr. LAGOMARSINO. Mr. Speaker, I strongly support this resolution, condemn the Soviet Union for conducting ICBM tests off the coast of our 50th State, Hawaii, and commend the sponsors of this legislation, Chairman FASCELL, Vice Chairman BROOMFIELD, especially Congresswoman PAT SAKAI of Hawaii, an original sponsor. These test missiles landed only several hundred miles off Hawaii, the closest a Soviet nuclear missile test has ever been conducted to American territory.

As the resolution states, these Soviet tests so close to American soil are "provocative, unnecessary, and inconsistent with the behavior designed to reduce the risk of nuclear war." Furthermore, these Soviet actions took place following the preliminary INF arms control accords that would lead to an historic elimination of entire classes of offensive nuclear weapons. This ICBM testing raises questions about Soviet seriousness for real arms control.

It appears that the Soviets planned their tests to bracket the Hawaiian Islands by firing one missile to the north and one to the south. In essence, the Soviets launched a practice nuclear strike on Hawaii. Aside from showing Soviet nuclear intimidation,

these tests posed real safety concerns for the inhabitants of Hawaii. Had the test misfired, the test reentry vehicle could have landed on population centers in that State.

Later this week, we will be voting on a motion to go to conference on the DOD authorization bill. Part of this bill includes dangerous and ill-conceived unilateral arms control restrictions on the United States. It ignores all the Soviet violations including the encryption of telemetry. The Soviets, in a clear violation of arms control treaties, encrypted telemetry on the improved heavy SS-18's that landed off Hawaii.

I also call attention to the Soviet irradiation of an American aircraft during these tests. The Soviets used a direct-energy weapon, probably a laser, to temporarily blind a United States military officer who was in international airspace monitoring the tests. This clearly threatens national technical means of verifying compliance with arms-control treaties. These unwarranted and provocative actions by the Soviets must not be ignored. I urge my colleagues, especially those who eloquently argued for restrictive arms control measures, to consider what the Soviets did off Hawaii, how they did it, and when they did it. Then consider why. Clearly arms control with the Soviets is desirable, but it is a very serious issue. Congressional actions like those in the DOD bill, despite good intent, hurt not help real arms control. These tests off Hawaii indicate that the Soviets appear to ridicule, rather than follow, our restrictive, unilateral arms control programs.

Again, I strongly support House Concurrent Resolution 199 and join in condemning the Soviets for these tests.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 199 condemning Soviet ICBM tests off Hawaii. The reports showing two tests of heavy ICBM's over trajectories similar to those which could be used in an actual attack against the Hawaiian Islands raises disturbing questions during a time of sensitive arms negotiations between the Soviets and the United States.

It is troubling not only because in the process of these tests, the Soviets encrypted telemetry potentially in violation of an earlier arms agreement and used a directed energy device to temporarily blind a U.S. military officer who was in international airspace monitoring the tests, but also because the missile might have misfired and landed on population centers in Hawaii. This action is a reminder that we must proceed carefully and cautiously

in our developing relations with the Soviets. All arms control agreements obviously need to be reliably verifiable. We clearly cannot and should not place great faith in the Soviets verbal assurances.

Accordingly, I urge my colleagues to take this opportunity to make it clear to the leaders of the Soviet Union that their actions always have and always will mean more to Americans than their words. I share the desire of many Americans to improve the relations between our Nation and the Soviet Union. Verifiable arms control agreements can play an important role in the improvement of relations. But the Soviets must show restraint. Firing an ICBM near U.S. territory is certainly not indicative of restraint or a sincere desire for improved relations.

I believe this resolution, in calling for a high-level U.S. protest of the missile firing and seeking assurances that such behavior will not be repeated, deserves the support of the Congress. I urge my colleagues to vote in favor of House Concurrent Resolution 199.

Mr. SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 199.

The question was taken.

Mr. LAGOMARSINO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### AUTHORIZING RELEASE OF USIA FILM, "AMERICA THE WAY I SEE IT"

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3428) to provide for the distribution within the United States of the film entitled "America the Way I See It."

The Clerk read as follows:

H.R. 3428

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. DISTRIBUTION WITHIN THE UNITED STATES OF THE USIA FILM ENTITLED "AMERICA THE WAY I SEE IT".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a) and the second sentence of section 501 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the film entitled "America the Way I See It"; and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of the film, the Archivist shall—

(A) reimburse the Director for any expenses of the Agency in making that master copy available;

(B) deposit that film in the National Archives of the United States; and

(C) make copies of that film available for purchase and public viewing within the United States.

Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3428 would provide that the U.S. Information Agency film entitled, "America, the Way I See It," could be purchased and viewed in the United States.

Current law, as you know, section 501 of the United States Information and Educational Exchange Act of 1984, prohibits the dissemination within the United States of certain USIA Program materials. The Congress has, however, provided for the domestic release of certain films on request. Since 1965, when a film on John F. Kennedy was released—entitled, "Years of Lightning, Day of Drums," the Congress has passed legislation regarding over 50 USIA films.

Subcommittee staff, both majority and minority have viewed this film and see nothing controversial in it. Likewise, it is my understanding that the U.S. Information Agency has no objection to its release.

This entire issue is under review by the Subcommittee on International Operations in order to address this outdated procedure. There must be a better way to release these USIA films in the United States.

Mr. Speaker, I have no further requests for time and I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to congratulate the gentleman from Maryland [Mr. HOYER] as a principal sponsor of this bill, and also thank the gentleman from Florida [Mr. MICA] and the gentlewoman from Maine [Ms. SNOWE], the chairman and ranking member of the Subcommittee on International Operations of the Committee on Foreign Affairs, for reporting this bill out.

Mr. Speaker, I support the legislation before us which permits the distribution of the film "America the Way I See It" here in the United States.

Members and staff who have reviewed the film have commented on the creative merits of that production. The film is a masterful survey of the physical wonder of America. All of us who admire the many marvels of this great Nation should have the opportunity to see this remarkable production.

Because of its high quality and memorable treatment of the historic beauties of our country, "America the Way I See It" should be seen by both foreign and domestic audiences. In the past, other USIA productions also have been released for purchase and viewing here in the United States. Special legislative exceptions, as this one, were made to allow those productions to be viewed in this country.

All proceeds from the viewing of the film will be credited to the USIA.

I call upon my colleagues to join me in supporting this worthwhile legislation.

#### GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3428, the bill presently under consideration.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and pass the bill, H.R. 3428.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### CONGRATULATING AND COMMENDING PRESIDENT ARIAS FOR RECEIVING 1987 NOBEL PEACE PRIZE

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 200) to congratulate and commend

President Arias of Costa Rica for receiving the 1987 Nobel Peace Prize.

The Clerk read as follows:

#### H. CON. RES. 200

Whereas the Nobel Peace Prize is the highest honor to which a political leader can aspire;

Whereas it was announced on October 13, 1987, that the Nobel Peace Prize for 1987 would be awarded to President Oscar Arias Sanchez of Costa Rica in recognition of his efforts to achieve a diplomatic settlement of conflicts in Central America;

Whereas President Arias has been a tireless leader for the causes of peace and democracy in Central America; and

Whereas the Congress has expressed its strong support in the past for the efforts of President Arias to bring peace to Central America: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress congratulates and commends President Arias of Costa Rica for being the recipient of the 1987 Nobel Peace Prize.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 200, congratulating President Arias of Costa Rica for receiving the 1987 Nobel Peace Prize.

I would like to commend my colleagues on both sides of the aisle, especially Congressman LEVINE of California, and the distinguished chairman of the Subcommittee on Western Hemisphere Affairs, Mr. CROCKETT, for bringing this resolution before the House.

President Arias has been the driving force behind the regional peace plan signed by the five Central American countries some 2 months ago. His tireless efforts on behalf of peace and stability in this strategic and vitally important region is important because it is a Central American initiative. President Arias recognized the importance of the Central American nations taking their problems in their own hands and mapping out a framework for resolution of those problems.

The Norwegian Nobel Committee said it best when they nominated President Arias for the 1987 Nobel Prize:

President Arias is being awarded the Nobel Peace Prize for this outstanding contribution to the possible return of stability and peace to a region long torn by strife and civil war.

President Arias is seeking through his initiative to return functioning democracies and civil freedoms to all countries in Central America. It is our hope that this plan will succeed and

that peace and stability will return to this important region.

I urge the adoption of the resolution.

Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from California [Mr. LEVINE], the original sponsor of this resolution, and I commend the gentleman for raising the matter and getting the resolution out of the Committee on Foreign Affairs and to the floor of the House.

Mr. LEVINE of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, House Concurrent Resolution 200 extends the congratulations of the Congress to President Oscar Arias of Costa Rica on his receipt of the Nobel Peace Prize for 1987. This resolution was approved unanimously by the Foreign Affairs Committee last Wednesday, and is co-sponsored by a bipartisan group of committee members including Chairman FASCELL, the chairman of the Western Hemisphere Subcommittee, Congressman CROCKETT, and the ranking minority members of both the full committee and the subcommittee, Congressmen BROOMFIELD and LAGOMARSINO. I would like to thank each of them for their support in ensuring the very expeditious consideration that this resolution has received.

The Nobel Peace Prize is the highest honor to which a political leader can aspire. It is entirely appropriate that the Congress take this opportunity to congratulate and commend President Arias on receiving this magnificent award.

President Arias has proven himself to be a great statesman through his tireless pursuit of peace among his Central American neighbors. He has been the driving force behind efforts to turn this war-ravaged region away from conflict, and toward negotiation and reconciliation.

As the administration is fond of pointing out, President Arias's peace plan is not comprehensive, in the sense that it does not address every U.S. concern about the situation in Central America. It also is still in the process of being implemented. Each of the signatory nations of Central America has further steps which must be taken to bring them into compliance with the agreement.

Nevertheless, the Arias peace plan represents a giant leap forward from the years of debilitating conflict which have left that region so devastated. This breakthrough would never have been possible without the devoted and skillful efforts of President Arias to forge agreement among neighbors who have grown accustomed to conflict.

President Arias deserves our warm congratulations on receiving this great honor, and our support in this continuing efforts to bring peace to Central America. I urge my colleagues to

give this resolution their strong bipartisan support.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 200 to congratulate Costa Rican President Oscar Arias for having been named this year's winner of the Nobel Prize for Peace.

The Nobel Peace Prize is perhaps the most prestigious recognition any statesman may hope to achieve. If the final result of President Arias' initiative turns out to be peace in Central America then he richly deserves this award. Even if peace in Central America is not the ultimate outcome of the efforts of President Arias, he still deserves our commendation for calling to our attention the essential prerequisite for peace in the region: That is, democracy. As President Arias has said, "without democracy, there can be no peace." President Arias makes it absolutely clear that democracy does not now exist in Nicaragua, and until it does, there cannot be peace and security for the other four nations in Central America, all of whom are democracies.

President Arias has also emphasized that a negotiated cease-fire between the Sandinistas and the Contras must be achieved. Although the Sandinistas have refused direct negotiations with the Nicaraguan resistance, President Arias has stated that a cease-fire must be worked out between the two sides, even if it means using an intermediary such as Cardinal Obando y Bravo. Both President Duarte of El Salvador and President Azcona of Honduras have joined in this request. Thus far the Sandinista regime has been the only government in Central America to refuse to negotiate with its armed opposition. President Duarte's initiative in El Salvador in meeting with his armed opposition began only a few short months after his inauguration in 1984. He renewed talks with the Salvadoran guerrillas 10 days ago, even though they include persons who kidnapped his daughter. I would hope that some time in the future, President Duarte would receive the same kind of recognition for his efforts to bring peace to the region as President Arias has.

There can be no question that President Arias is sincere in his effort to bring peace to Central America and democracy to Nicaragua. For this contribution, he deserves our praise. I am proud to be an original cosponsor of this resolution and I urge my colleagues to give it their full support.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I thank the gentleman for yielding time to me.

I would like to pay tribute to the gentleman from California [Mr. LEVINE], the gentleman from California [Mr. LAGOMARSINO], and the gentleman from Florida [Mr. FASCELL], the committee chairman, and other Members who have cosponsored this bill.

Mr. Speaker, I am happy to join my colleagues in congratulating Costa Rican President Arias for having been awarded the Nobel Peace Prize.

While much still remains to be done in Central America before genuine peace can come to this region, President Arias has helped to set in motion a process which will hopefully lead to democracy in every one of the Central American nations.

As President Arias has stated so often, democracy will be the ultimate measure of whether his peace proposal will be gauged a success or not.

For this reason, all eyes are on Nicaragua, as we wait to see if the Sandinistas take meaningful steps to embrace the peace proposals which President Arias has so determinedly espoused.

Mr. Speaker, I strongly support this resolution congratulating President Arias for receiving the Nobel Peace Prize, an award he so richly deserves.

Mrs. COLLINS. Mr. Speaker, this past Tuesday, the Norwegian Nobel Committee awarded their 1987 Peace Prize to Costa Rican President Oscar Arias.

As the initiator of a treaty designed to bring peace to Central America, President Arias richly deserves this prestigious honor.

Over the past year or so, he has tried to reconcile the considerable differences between the Governments of Nicaragua, El Salvador, Honduras, and Guatemala and their political opposition. Barring outside interference, the fact that each of the key political figures in these disputes has signed this treaty gives me hope Arias will achieve his objective of national reconciliation by November 7.

President Arias also deserves to be commended for encouraging the adoption of democratic principles in the region. His treaty requires each government to provide its citizens with certain basic rights—the opportunity to speak freely and engage in peaceful forms of political expression, and the ability to participate in free elections.

Equally important, President Arias' treaty requires each of the signatories to request all outside governments to stop supplying aid to armed rebels in the region.

As the author of the first resolution calling for an end to funding the Nicaraguan Contras, I have consistently argued for a peaceful resolution of these disputes. Thus, I believe the Arias treaty reflects the objectives we need for achieving true peace in Central America.

If anyone has doubts about this, they only have to look at the fruits of President Arias' efforts. Direct talks have already been initiated between the Governments of Guatemala and El Salvador and their armed opposition. Indeed El Salvadoran President Duarte said today that concrete progress has been made toward

achieving an equitable cease-fire in his country. Finally, the Nicaraguan Government has begun relaxing some of its restrictions on the press.

If the Nobel Committee can see the value of this accord, I hope we can convince this administration that President Arias is a man of peace who is clearly headed on the right course.

Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 200 offering congratulations to the courageous President of Costa Rica. His personal efforts to achieve a stable and secure peace in Central America are certainly laudable. The world waits to see the bold beginning launched by President Arias in Guatemala on August 7 culminate in the transformation of the Sandinista government in Nicaragua from an aggressor and repressor to a government that protects the rights of its citizens and respects the rights of its neighbors.

In spite of the difficulties that lay ahead the progress made in the peace process during the last several months does offer cause for hope. There has been National Reconciliation Commissions formed in El Salvador and Nicaragua. President Duarte of El Salvador has personally set down face to face to negotiate with the leaders of the Marxist insurgents in his country. President Arias has added his voice, enhanced by the Nobel committee, to the many in Central America and in the United States who realize that the Sandinista's must negotiate directly with the political leadership of the Nicaraguan resistance to achieve a lasting solution to their civil war.

The Nobel Peace Prize is an honor which Oscar Arias Sanchez richly deserves. His name is properly placed beside others who had a vision of a better world and sought to make that vision a reality. I join my colleagues in offering heartfelt congratulations to President Arias for this great honor.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

Mr. LEVINE of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 200.

The question was taken.

Mr. LEVINE of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. LEVINE of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent

Resolution 200, the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### RIO GRANDE POLLUTION CORRECTION ACT OF 1987

Mr. LEVINE of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2046) to authorize the Secretary of State to conclude agreements with the appropriate representative of the Government of Mexico to correct pollution of the Rio Grande.

The Clerk read as follows:

H.R. 2046

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Rio Grande Pollution Correction Act of 1987".

##### SEC. 2. AGREEMENTS TO CORRECT POLLUTION OF RIO GRANDE.

(a) IN GENERAL.—The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico (hereafter in this Act referred to as the "Commissioner"), is authorized to conclude agreements with the appropriate representative of the Ministry of Foreign Relations of Mexico for the purpose of correcting the international problem of pollution of the Rio Grande caused by discharging of raw and inadequately treated sewage and other wastes into such river from the border cities including but not limited to Ciudad Acuna, Nuevo Laredo, and Reynosa, Mexico, and Del Rio, Laredo, and Hidalgo, Texas.

(b) CONTENT OF AGREEMENTS.—Agreements concluded under subsection (a) should consist of recommendations to the Governments of the United States and Mexico of measures to protect the health and welfare of persons along the Rio Grande from the effects of pollution, including—

(1) facilities that should be constructed, operated, and maintained in each country;

(2) estimates of the cost of plans, construction, operation, and maintenance of the facilities referred to in paragraph (1);

(3) formulas for the initial division between the United States and Mexico of the cost of plans, constructions, operation, and maintenance of the facilities referred to in paragraph (1);

(4) a method for review and adjustment of the formulas referred to in paragraph (3) at intervals of five years which recognizes that such initial formulas should not be used as a precedent in their subsequent review and adjustment; and

(5) dates for the beginning and completion of construction of the facilities referred to in paragraph (1).

##### SEC. 3. AUTHORITY OF SECRETARY OF STATE TO PLAN, CONSTRUCT, OPERATE, AND MAINTAIN FACILITIES.

The Secretary of State, acting through the Commissioner, is authorized to act jointly with the appropriate representative of the Government of Mexico and to—

(1) supervise the planning of, and  
(2) supervise construction, operation, and maintenance of,

the facilities recommended in agreements concluded pursuant to section 2 and approved by the Government of the United States and Mexico.

##### SEC. 4. CONSULTATION WITH THE ADMINISTRATOR OF ENVIRONMENTAL PROTECTION AGENCY AND OTHER AUTHORITIES.

The Secretary of State shall consult with the Administrator of the Environmental Protection Agency and other concerned Federal, State, and local government officials in implementing this Act.

##### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for the United States to fund its share of the cost of the plans, construction, operation, and maintenance of the facilities recommended in agreements concluded pursuant to section 2 and approved by the Governments of the United States and Mexico.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. LEVINE] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2046, legislation which would facilitate efforts to address the complex and serious pollution problems of the Rio Grande. The bill would specifically authorize the Secretary of State to conclude agreements with appropriate officials in the Government of Mexico to reduce Rio Grande pollution.

The health and welfare of many North Americans and Mexicans along the Rio Grande are in jeopardy from the effects of the river's pollution. While agreements between Mexico and the United States have established procedures to deal with environmental issues, specific authority as provided by H.R. 2046 would greatly expedite the process with respect to the Rio Grande.

The administration supports the bill because it would advance the efforts of both our countries to correct Rio Grande pollution and improve sanitation. H.R. 2046 constitutes a sensible approach in alleviating a problem which has the potential to create tensions between Mexico and the United States.

I want to commend Congressman KIKI DE LA GARZA for sponsoring this farsighted and timely measure. He has truly been an outstanding leader on United States-Mexican issues. I also want to commend GUS YATRON, chairman of the Subcommittee on Human Rights and International Organizations, GEORGE CROCKETT, chairman of the Western Hemisphere Subcommittee, and DANTE FASCELL, Foreign Affairs Committee chairman, for their

efforts in bringing this measure to the floor.

Mr. Speaker, H.R. 2046 is a very important bill which deserves our expeditious approval today.

□ 1325

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DE LA GARZA], the sponsor of the bill.

Mr. DE LA GARZA. Mr. Speaker, I thank my distinguished colleague for yielding time to me.

Mr. Speaker, I rise briefly only to extend my appreciation to Chairman FASCELL, Chairman YATRON, Chairman CROCKETT, the gentleman from California [Mr. LEVINE], the gentleman from Michigan [Mr. BROOMFIELD], and all members of the Foreign Affairs Committee for their cooperation in this endeavor. This certainly is needed legislation. I would hope that this would be one step in helping us to correct something that badly needs to be done along the Rio Grande.

Mr. Speaker, in addition to the discussion which we will conduct this afternoon on my bill H.R. 2046 which calls for negotiations with Mexico on pollution of the Rio Grande, I would like for the record to reflect a few personal observations.

For many years prior to today, I have been fortunate to benefit from the help of Joseph Friedkin who just recently retired as head of the U.S. section of the International Boundary and Water Commission.

Commissioner Friedkin and I have long shared a desire to correct the problems which contribute to pollution of the Rio Grande, and I could not allow this day to pass without paying tribute to my good friend and a man who throughout his life was a major benefactor of the river. His concepts, and my desire on seeing this to a successful legislative end, have combined to produce the bill H.R. 2046.

Many of our colleagues who have known me for many years have heard me speak about my homeland of the Rio Grande Valley. The river we call the Rio Grande means "Big River" or "Great River." And the river has always played a central and prominent role in the lives of those who make this part of Texas their home.

The Rio Grande has enabled us to turn the fertile soil of the region into a flowering garden—boasting nearly \$500 million in yearly sales of dozens of horticultural crops and grains. Without the river, this would not have been possible. The river has given life to deep south Texas and now the river needs our help.

My bill, on which our friend Representative ALBERT BUSTAMANTE is an original cosponsor, would do one main thing: It authorizes our U.S. Secretary of State to begin negotiations with appropriate Mexican representatives and

it gives our Secretary the authority to conclude an international agreement with Mexico designed to curb pollution from raw and inadequately treated sewage and other municipal/industrial wastes.

This international agreement would set up the framework for later, more detailed discussions about the proportionate contributions by each nation. Both the United States and Mexico would eventually provide an agreed-on amount of money to be used in the construction of wastewater treatment facilities on both sides of the river.

Our Department of State has written the esteemed chairman of the House Foreign Affairs Committee to advise that the Secretary fully supports the purposes of H.R. 2046.

So our bill today is a beginning step—and a very important one—on the way to ultimately correcting the pollution problem that is now plaguing the Rio Grande. We applaud our good neighbors in Mexico for their willingness to consider a joint approach to our mutual problem. The Rio Grande is as important to Mexico as it is to Texas—we share this boundary equally.

It is my hope the House will approve H.R. 2046 to further our Nation's commitment to cleanse our waterways and protect natural resources vital to agriculture production and potable water.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I rise in support of H.R. 2046 to authorize the Secretary of State to conclude agreements with Mexico to correct the problems of pollution on the Rio Grande.

I wish to commend the two Members from Texas, Mr. DE LA GARZA and Mr. BUSTAMANTE, for their initiative in trying to solve this long-term problem of pollution on the Rio Grande.

As a regular participant in the Mexico-United States interparliamentary conferences, I am keenly aware of the importance of discussing with the Mexicans the problems that mutually affect us. Without the full cooperation of the Mexican Government, the problems of pollution on the Rio Grande cannot be resolved.

I believe the proposal set forth in this bill is an appropriate, cost-effective approach for correcting the problem. The agreements to be negotiated between the two countries would attack the problem comprehensively by determining the facilities that would be needed and the sharing of costs and expenses for construction and maintenance of those pollution control facilities.

I urge my colleagues to support this worthwhile effort and pass H.R. 2046.

Mr. YATRON. Mr. Speaker, I rise in strong support of H.R. 2046, which authorizes the Secretary of State to conclude agreements with the appropriate representatives of the

Government of Mexico to correct the pollution of the Rio Grande.

The Foreign Affairs Subcommittee on Human Rights and International Organizations, which I chair and which oversees global environmental issues, waived jurisdiction over this measure to facilitate its consideration. The Subcommittee on Western Hemisphere Affairs also waived its jurisdiction and the full Foreign Affairs Committee approved H.R. 2046 October 14, without dissent.

Environmental problems can be, and often are, a source of tension between neighboring countries. Fortunately, the United States and Mexico have signed agreements establishing mechanisms and procedures to address serious cross-border pollution problems amicably.

The State Department supports the bill because it would give useful authority to the Department through the existing structure—the United States Commissioner of the International Boundary and Water Commission—in furtherance of the efforts of both the United States and Mexico to deal with Rio Grande pollution and sanitation.

I want to commend the bill's sponsor, KIKI DE LA GARZA, for his outstanding leadership on United States-Mexican relations and for his actions to reduce the mounting environmental problems confronting both nations. I also want to commend the chairman of the Subcommittee on Western Hemisphere Affairs, GEORGE CROCKETT, and the ranking minority member of the Human Rights and International Organizations Subcommittee, JERRY SOLOMON for their efforts to expedite this measure. Let me also commend Chairman FASCELL for his leadership in bringing H.R. 2046 to the floor.

The pollution of the Rio Grande is a serious problem and growing worse every day. H.R. 2046 does not mandate a specific action. It clarifies negotiating authority and calls for agreements between United States and Mexico to establish and maintain facilities in each country, estimates of costs, and allocation of those costs to mitigate the effects of Rio Grande pollution.

Mr. Speaker, H.R. 2046 is noncontroversial, timely, and deserves our speedy approval to protect the health and environment of American and Mexican people along the Rio Grande.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

Mr. LEVINE of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. LEVINE] that the House suspend the rules and pass the bill, H.R. 2046.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. LEVINE of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative

days in which to revise and extend their remarks on H.R. 2046, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARD PANAMA

Mr. LEVINE of California. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 197) to express the sense of the Congress with respect to United States policy toward Panama, as amended.

The Clerk read as follows:

Suspend the rules and pass the resolution (H. Con. Res. 197) with amendments as follows:

Page 2, line 6, strike out "Nortega" and insert in lieu thereof "Noriega".

Page 3, line 2, insert "and" after the semicolon; line 5 strike out "and"; and strike out lines 6 through 11.

Page 3, beginning in line 12, strike out "45 days after the date of enactment of this Act—" and insert in lieu thereof "30 days after the date on which the Congress adopts this resolution—".

#### H. CON. RES. 197

*Resolved by the House of Representatives (the Senate concurring),*

#### SECTION 1. FINDINGS.

The Congress finds that—

(1) the executive, judicial, and legislative branches of the Government of Panama are now under the influence and control of the Panamanian Defense Forces;

(2) a broad coalition of church, business, labor, civic, and political groups—

(A) have joined to call for an objective and thorough investigation into the allegations concerning serious violations of law by certain officials of the Government of Panama and the Panamanian Defense Forces; and

(B) have insisted that General Noriega and others involved relinquish their official positions until such an investigation has been completed;

(3) the Panamanian people continue to be denied the full rights and protections guaranteed by the Panamanian constitution, as evidenced by continuing censorship and the closure of the independent media, arrests without due process, and instances of excessive force by the Panamanian Defense Forces; and

(4) political unrest and social turmoil in Panama can only be resolved if the Government of Panama begins to demonstrate respect for and adherence to all provisions of the Panamanian constitution.

#### SEC. 2. STATEMENT OF POLICY.

It is, therefore, the sense of the Congress that the United States should—

(1) cease all economic and military assistance provided pursuant to the Foreign Assistance Act of 1961 and the Arms Export Control Act to the Government of Panama (except for assistance to meet immediate humanitarian concerns); and

(2) suspend all shipments of military equipment and spare parts to the Government of Panama or to any of its agencies or institutions;

unless no later than 30 days after the date on which the Congress adopts this resolution—

(A) the Government of Panama has demonstrated substantial progress in the effort to assure civilian control of the armed forces and the Panama Defense Forces and its leaders have been removed from non-military activities and institutions;

(B) the Government of Panama has established an independent investigation into allegations of illegal actions by members of the Panama Defense Forces;

(C) a nonmilitary transitional government is in power; and

(D) freedom of the press and all other constitutional rights have been restored to the Panamanian people.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. LEVINE] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bipartisan resolution expresses the sense of the Congress regarding United States policy toward Panama. It is cosponsored by my distinguished colleague, the gentleman from New York [Mr. GILMAN], and was approved unanimously by the Foreign Affairs Committee last week. Very similar language was approved last month by the Senate by a vote of 97 to 0.

Mr. Speaker, civilian government does not exist in Panama today. The Panama Defense Forces, formerly known as the Panamanian National Guard, dominate every aspect of governing in that nation. They control the press, they control the puppet executive branch and legislature, and they largely control the streets. Their leader, Gen. Manuel Antonio Noriega, is absolute ruler of Panama.

The people of Panama have demonstrated this summer that they have had enough of military dictatorship. When a military colleague of General Noriega's, Col. Roberto Diaz Herrera, accused the military of murdering Dr. Hugo Spadafora, Noriega's chief political rival, the people took to the streets. Today, 4 months after these accusations were leveled and the accuser thrown in jail without trial by the regime, public protests against Noriega continue.

In the meantime, the Noriega regime has conducted a smear campaign against the United States. It has incited riots outside our Embassy in Panama City. Embassy and military

personnel have been harassed and arrested. The Panamanian Government has done its best to whip up anti-American fervor in order to distract the Panamanian people from the real issues of freedom and democracy in their country.

More recently, the Human Rights Commission of the Organization of American States issued a report stating that it believes the Noriega regime was indeed responsible for the murder of Dr. Spadafora. Other allegations against the Noriega regime range from drug-smuggling and money-laundering, to diverting sophisticated United States technology to Cuba.

This resolution calls on the Government of Panama to make significant progress in assuring civilian control over the military and to put a non-military transitional government into place. If these changes are not made within 30 days, the resolution recommends that we suspend all United States aid to Panama.

Frankly, I would have preferred to proceed with binding legislation enacting the measures described in this resolution right away. General Noriega's recent activities do not suggest reason for optimism that changes will be forthcoming in Panama any time soon. But with the Senate having taken unanimous action on language very similar to this, and with the understanding that Congress will have the opportunity to revisit this issue upon the expiration of the resolution's 30-day deadline, I felt it best to pursue this option for now.

Although not binding, this resolution does send a strong message to General Noriega and his cronies: The era of authoritarian rule in Panama is winding down. The voices of democracy are being heard in the streets, even as they were in the Philippines. As in the Philippines, the United States will not be an obstacle to such welcome democratic change. Let us all hope for the sake of the Panamanian people that General Noriega does not ignore this message.

I urge my colleagues to give this resolution their strong bipartisan support.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the two Members from Texas, Mr. DE LA GARZA and Mr. BUSTAMANTE, for their initiative in trying to solve the long-term problems of pollution on the Rio Grande.

Mr. Speaker, I rise in support of House Concurrent Resolution 197, expressing the sense of Congress regarding United States policy toward Panama.

I led a congressional delegation in August to Chile and Argentina, which included stops in Panama. I was ac-

accompanied by Congressmen JERRY LEWIS, JIM SENSENBRENNER, and GEORGE WORTLEY. As a result of our discussions in Panama, I have become even more concerned about the current political situation there and the threat that poses for American interests in Panama and in the region.

As part of the consideration of House Concurrent Resolution 197, I urge my colleagues to review the following report on the findings of Codel Lagomarsino to Panama. I believe the information in this report will offer useful background information which will be helpful in gaining a better understanding of the critical crisis we face in Panama.

#### REPORT ON PANAMA

##### POLITICAL SITUATION IN PANAMA

Since the delegation was traveling by military aircraft which required refueling in Panama, arrangements were made for the delegation to receive briefings on the political, economic and security issues affecting U.S.-Panamanian relations during each stopover on August 10 and August 17. The delegation received classified briefings from US Southern Command Commander in Chief General Fred Woerner and Chief of Staff Rear Admiral Richard Ustick on the political-military situation in Panama, the peace process in Central America and U.S. military interests in Chile and Argentina.

The American Embassy officers gave the members of the delegation their assessment of the recent events in Panama and the background leading up to them. The Panama Defense Forces (PDF), formerly called the National Guard, has generally exercised power in Panama since 1968. Since the public accusations in early June against PDF commander General Manuel Antonio Noriega of corruption, complicity in murder and fraud in the 1984 elections, civic and political opposition forces have been calling for his removal. The political unrest, general strikes and demonstrations have received wide coverage in the United States. A generally unsuccessful strike and demonstration August 17, a day when the delegation was in Panama, was the first evidence the opposition's efforts were losing steam.

Considering the PDF's entrenched position in Panamanian life, it is difficult to foresee an easy resolution of the current political crisis. A democratic, constitutional system of government prevailed in Panama from its independence in 1903 until 1968, when the democratically-elected president Arnulfo Arias was overthrown by the National Guard under the leadership of General Omar Torrijos. Although the military continued to dominate the political system, some democratic openings were apparent in the 1970's, especially with the beginnings of the national debate on the Panama Canal Treaties in 1977. The debate concerned not only the treaties but also the government and its policies.

The Canal Treaties went into effect on October 1, 1979. General Torrijos was killed in a plane crash in 1981. In May 1984, direct popular presidential elections were held. Pro-military candidate Nicolas Barletta was declared the winner in a closely contested race marked by numerous irregularities and charges of fraud. Barletta, the government candidate, had run against Arnulfo Arias, who was seeking the presidency for the fifth time. Barletta was inaugurated in October

1984, but was forced to resign in September 1985 after allegations surfaced connecting the death of Hugo Spadafora, an opposition political leader, with the PDF. Barletta had been pressured to pursue an investigation of his death, but the military would not permit it and forced him to resign instead. He was succeeded by First Vice President Eric Arturo Delvalle. In the May 1984 elections, pro-government parties also won a majority of seats in the new Legislative Assembly. Those results were also tainted by charges of fraud and corruption.

The main political parties in Panama are as follows: The Democratic Revolutionary Party (PRD) which is the main pro-government party and is considered the civilian arm of the PDF. The leading opposition parties are the Authentic Panamanista Party of Arnulfo Arias and the Christian Democratic Party led by Ricardo Arias Calderon, no relation to Arnulfo Arias. The delegation in its discussions in Panama learned that a majority of Panamanians, according to a recently published poll, do not like Noriega and want to see him go. However, they also believe the opposition does not offer a viable candidate. General Noriega has said he will abide by the results of the elections of 1989 as long as Arnulfo Arias does not win. The civic and political opposition forces are seeking elections earlier than 1989. The U.S. Government has said the Panamanians must resolve their own political crisis and if that requires early elections, then they should be arranged.

At the end of June, the U.S. Senate passed a resolution supporting the civic opposition and calling for an investigation of the allegations against General Noriega, and recommending he step down during any such investigation. The Panamanian Legislative Assembly passed a resolution, supported only by pro-government PRD legislators and boycotted by all opposition party legislators, condemning the U.S. Senate resolution and declaring an end to the State of Emergency effective the next day. That next day, June 30, with the ban on demonstrations lifted for the occasion, a government-orchestrated demonstration attacked the U.S. Embassy. Among the crowd inciting the violence were pro-government legislators and a government minister. Damage to the American Embassy amounted to approximately \$130,000. Following that action, the United States suspended all aid to Panama and reduced contacts between the U.S. military and the PDF to the bare minimum. The Panamanian Government eventually sent a check to the Embassy to cover the cost of the damages. U.S.-Panamanian relations, however, are still cool, but correct.

A significant opposition rally took place on July 10, with the PDF firing tear gas and birdshot at anti-government demonstrators. More than 100 were wounded, and several hundred were detained, including a number of American citizens. Numerous human rights violations were reported. The delegation received a report by Orlando De La Guardia, a member of the National Civilian Crusade who was participating in the July 10 rally in the city of David, in western Panama. His account of the events of July 10 are as follows:

"I Orlando De La Guardia, manager of Panamotor of Chiriqui (Nissan Distributor) and Hertz Rent-a-Car Chiriqui hereby certify that the following statement is true and objective to the best of my knowledge. I am one of two representatives of the Chamber of Commerce of Chiriqui [western province of Panama] in the National Civilian Cru-

sade (Chiriqui Chapter). I have no political affiliation.

"The National Civilian Crusade (Chiriqui Chapter), fully identified with the principles of the crusade established in Panama City, is not a partisan political organization formed to overthrow the government or to obtain political positions. It is a civil movement formed by nonpolitical organizations whose quest is to insure freedom, justice and a democratic system of government under which all Panamanians can live in peace. We insist on rescuing moral values, such as: honesty, patriotism, responsibility . . . values long lost in our society due to the extremely corrupt way of life forced upon us by the Defense Forces who run the country. This movement does include political parties because they are formed by Panamanians and not only have the right to do something for the country but also have the obligation to do so.

"We had programmed an automobile caravan for noon July 10 and a march to be held at 3 p.m. Early that morning, the city of David was occupied by troops of the Peace Battalion stationed in Rio Sereno at the border with Costa Rica. Heavily armed, in fatigue uniforms, with an armed helicopter flying over the city and road blocks set up in the city and on main highways, they were ready for war. War? Yes, they went to war against the peaceful Panamanian protesters. The Panama Defense Forces declared war on the Panamanians. Disgracefully, Latin American armies normally have only served to suppress their own people in their own countries.

"This intimidation did not stop the people's determination of manifesting our discontent with the situation imposed upon us, and we proceeded to go ahead with our caravan in peace, armed with valor and a white flag. On our way back to the point of meeting, we were intercepted and attacked by soldiers. My car was surrounded; they threw four tear gas bombs inside and shot at me at a range so close that it is a miracle I am still alive. Once we managed, my wife and I, to get out of the car we fled towards my companies' premises looking for cover. The soldiers right behind us were hitting me with hoses. I managed to close an iron door that leads to our repair shop and resisted, trying to give my wife time to hide in the false hope they would respect private property. The helicopter descended closely above the company and located my wife, and I was threatened to have my brains blown out if I did not open the door. I obeyed, opened the door and all hell broke loose. I was dragged out, brutally beat up, kicked, clubbed and shot at. My wife was captured, insulted, beaten, and kicked. We were arrested and taken quickly to jail.

"At the jail, we were further harassed and intimidated (verbally), photographed and ordered to be taken to the patio with common criminals. This happened around 1:15 PM. The order to be taken to the patio was reconsidered, and we were then taken to a classroom. Later on, men and women were separated. Our estimate was over 100 persons were arrested, and everybody was taken to different areas. Over fifty were thrown in with common prisoners. Thanks to the immediate pressure made by Bishop Nunez, the Chamber of Commerce and other groups, the women were freed around 5 PM. We were let out at 11 PM. During my arrest, I witnessed maltreatment of other persons who were arrested.

"Due to the unjustified, brutal and criminal attitude of our so-called defense force,

the people of this agricultural and cattle country have united firmly and strongly around the civilian crusade. If those who have to enforce the law are the first to violate it, then whom shall we turn to?

"I live in the town of Volcan. I was going there last Saturday, the 25th [of July] and was notified that there were orders that I be arrested on sight because traveling with me was Mr. Cornelio Guerra, President of our Chamber of Commerce. Due to this and other intimidations and threats to my family's personal welfare, I have proceeded to send my family out of this area and have myself moved to the city. This province is well known for its pro-American attitude and expects as well as hopes for U.S. assistance to put an end to this state of corruption.

"The National Civilian Crusade is a strong movement spearheaded by middle class professionals and with great support from lower classes as well as the upper class. Very few, if any, anti-government movements have been headed by this kind of people. Generally, it has been through leftist or Communist groups. In Panama, the Communists are with the government which is strongly infiltrated. Mr. Noriega and his gang are in cahoots with them trying to annihilate the general peaceful uprising in Panama. We know Washington has adopted a 'wait-and-see' attitude. We just hope they do not wait until it is too late."

#### GOD BLESS THE AMERICAS

A chronology of key events occurring from early June to our second visit August 17 follows:

#### PANAMA: CHRONOLOGY OF KEY EVENTS IN CURRENT CRISIS

June 6: Newly retired Panama Defense Forces (FDP) Colonel Roberto Diaz Herrera alleges FDP/Noriega involvement in 1984 electoral fraud, the 1985 murder of Hugo Spadafora, Cuban visa fraud.

June 7: Sunday papers carry Diaz accusations. Catholic Church, civic organizations, and opposition groups call for impartial investigation of Diaz charges.

June 8: Crowd gathers at Diaz house and in front of opposition Radio Continente.

June 9: First serious outbreak of unrest—FDP use teargas, truncheons to disperse students and large group of oppositionists gathered in front of Radio Continente. Church calls for public airing of Diaz accusations in an atmosphere of peace.

June 10: President declares state of emergency; freedom of press, assembly, other guarantees suspended. Civic/business groups announce formation of a National Civilian Crusade, call for indefinite strike and General Noriega's removal from office pending an investigation into Diaz allegations. White flags first appear at spontaneous noon demonstration on Calle 50.

June 11: U.S. issues press statement calling for getting facts out in open and free and unfettered media.

June 12: Crusade-organized mass-cum-rally attracts over 1200 supporters. Church calls for non-violent protest. Crusade strike loses steam.

June 13: Crusade-organized mass attracts at least 3000 supporters and FDP troops/helicopters.

June 15: Most businesses open. Tense calm returns. Legislative Assembly passes resolution naming Gabriel Lewis and others as conspirators.

June 20: Assembly votes to extend State of Emergency.

June 26: U.S. Senate passes resolution on Panama.

June 29: GOP ends State of Emergency, passes resolution which rejects U.S. Senate resolution and calls for Ambassador to be declared PNG. Embassy splashed with paint during the night.

June 30: GOP-orchestrated crowd attacks Embassy with rocks as uniformed Panamanian military look on.

July 1: U.S. very strongly protests stoning of Embassy, especially GOP involvement. American banks hit with rocks and paint-bombs. Renewed demonstrations, both pro- and anti-government. Government press calls for July 9 rally in support of "sovereignty."

July 2: Renewed opposition demonstrations on Calle 50—car caravans, white handkerchiefs. Armed civilians burn opposition-owned Dante department store while riot control troops stand aside. Crusade calls for huge rally July 10.

July 5: President Delvalle delivers speech calling for "truce," dialogue, and investigation of Diaz charges by Attorney General. Response by Crusade/opposition: No resolution possible while Noriega in power. Widespread opposition protest erupts—pot-banging, car caravan of 2000.

July 6: Several thousand join largest opposition car caravan yet assembled.

July 7: Delvalle issues decree prohibiting both pro-government rally July 9 and opposition rally July 10. Large opposition car caravans continue.

July 9: Pro-government groups honor Delvalle's decree prohibiting their rally. Crusade continues to call for huge opposition rally July 10.

July 10: Thousands attempt to attend rally. FDP fires tear gas and birdshot at anti-government demonstrators, wounding 130. Hundreds, perhaps as many as 600, demonstrators are detained by FDP. FDP fire tear gas into National Sanctuary. Reports of widespread property damage aimed at Crusade/opposition figures.

July 11: Uneasy calm. Reports of human rights violations.

July 14: All prisoners still under detention for participating in July 10 demonstration released.

July 15: Church issues communique condemning human rights abuses.

July 16: Limited skirmishes between students and riot police; opposition car caravans continue.

July 18: Opposition mass fails to attract crowd; FDP deployed.

July 20-24: Lull marked by visit of human rights specialist from Department, extensive FDP intimidation tactics against opposition.

July 26: Opposition youth shot and killed by FDP in resort town of El Valle; first death resulting from unrest. FDP close opposition press.

July 27: Crusade-sponsored strike begins. FDP arrest Diaz Herrera and 45 supporters. Pro-govt car caravans replace opposition caravans on Calle 50.

July 28: Successful strike concludes. Pro-govt car caravans continue on Calle 50.

July 31: Government-sponsored rally draws 30,000.

August 4: Government raids Civilian Crusade headquarters, seizes "seditious" documents.

August 6: Crusade-sponsored rally attracts 30,000 spirited supporters.

August 17: Crusade-sponsored general strike and rally fails to attract the broad support of previous efforts.

During the course of the Embassy briefing, Congressman Lagomarsino gave to Ambassador Davis a copy of a letter to Presi-

dent Reagan which he and Congressman Jim Leach had written to express concern about the recent events in Panama. A copy of that letter follows:

COMMITTEE ON FOREIGN AFFAIRS,  
August 7, 1987.

HON. RONALD REAGAN,  
President, The White House, Washington,  
DC.

DEAR MR. PRESIDENT: We view with grave concern the political unrest in Panama and the threat it poses for U.S. security interests in that nation and in the region.

As you know, we have strongly supported efforts to promote and strengthen the institutions of democracy in the Western Hemisphere. The success stories over the past few years have been impressive. The failure in Panama, however, to advance the cause of democracy represents a serious setback to the objectives we jointly pursue. We believe that it is imperative that the United States demonstrates its resolve in opposing further delays in Panama in providing for an orderly, peaceful transition to democracy.

We applaud recent U.S. actions to distance ourselves from the repressive actions of elements of the Panamanian Defense Forces and approve of the decision to suspend all U.S. assistance to Panama following the unwarranted actions by the Government of Panama during the attack on the U.S. Embassy in Panama City. We urge you to continue to suspend U.S. aid and to restrict U.S. contacts with the Panamanian Defense Forces until such time as concrete steps are taken to establish the framework for the prompt and orderly transition to democracy in Panama.

We also urge you to consider a temporary halt in imports of Panamanian sugar if progress toward democracy is not apparent in the near future. Such action might have the effect of persuading prominent Panamanian officials to push more quickly for democratic reforms.

We believe there is a strong, bipartisan consensus in the Congress for resolute U.S. action to promote democracy in Panama. For U.S. security interests in the Panama Canal and in Central America and the Caribbean, a viable, civilian, constitutional government in Panama is essential. We urge your continued attention to this vital issue and pledge our continued support.

Sincerely,

ROBERT J. LAGOMARSINO,  
JIM LEACH,

Members of Congress.

The delegation was told that the presidents of the Chambers of Commerce in Panama are considered to be national assets. Because Panama's existence depends so heavily on economic and financial stability, the political unrest can have a seriously destabilizing effect on the economy, which would in turn further affect the political situation.

#### ECONOMIC SITUATION IN PANAMA

For the past 70 years, the demand for goods and service generated by the Panama Canal, and by the U.S. military forces and dependents involved in its defense and operation, has been a major factor in the country's economic development. Panama's economy grew rapidly in the 1960s and early 1970s due, in large part, to excessive foreign borrowing. When the canal treaties were signed in 1977, the economy was given another boost and annual real growth continued at 5% until 1982. As with most of the rest of Latin America, 1983 and 1984 saw a recession. The economy bounced back in

1985 and was predicted to continue doing well until the political crisis began in June.

Since 1968, Panama has developed into a major international financial center, capitalizing on its central location, good communication and transportation facilities, Spanish-speaking environment combined with widespread English proficiency, well-educated labor force, a relative absence of work stoppages and the uncontrolled use of the U.S. dollar as the unit of currency. Including off shore deposits, the number of banks in Panama exceeds 120 with assets of about \$42 billion. The large international banking community improves the ability of public and private sectors to borrow on relatively good terms. The banking sector is the country's largest employer moving ahead of the Panamanian and U.S. governments.

Since the crisis began, however, the financial picture in Panama has not been particularly positive. Nearly one-half billion in local deposits have left Panama since the beginning of June. Net liquidity for the banks has now dropped to a substantial negative after having previously been a healthy surplus. The First Chicago Bank has left Panama, and the Panamanian Government is feeling strong fiscal pressures in trying to reach its government payroll. The government does not have a monetary policy; it has no bonds; and it has lost its ability to finance its budget. It has an external debt of \$3.6 billion, one of the highest ratios of per capita debt in the region. There is great potential that Panama may end up defaulting on its near term interest payments on its debt.

U.S. Government canal area expenditures continue to figure heavily in the Panamanian economy. The estimated contribution in 1986 was \$532 million. Revenues from the canal itself have risen slowly, with about \$77 million in treaty-related payments going to Panama in 1986. Payments to Panama from the Operation of the canal have remained a point of contention between the Panamanians and the United States, with the Panamanians claiming more of the profits should be given to Panama and the United States stating that adequate funding must be set aside each year for the proper maintenance and upkeep of the canal. Panama, the United States, and Japan are presently considering the feasibility of canal alternatives, which might include expansion of the existing canal's capacity or even the eventual construction of a new canal. There has been some talk that the Panamanians may turn to the Japanese for assistance in operating the Canal once the United States turns over full operation of the Canal on December 31, 1999.

#### THE PANAMA CANAL

The political unrest in Panama has provoked a number of charges from General Noriega against the United States, among them the charge that the United States is promoting the unrest in order to avoid having to turn over the Panama Canal to Panama at the end of 1999. Both the Administration and key Congressional leaders have rejected that allegation, but political instability in Panama certainly raises concern among Americans about the future of the Canal.

The delegation met with Dennis McAuliffe, Administrator of the Panama Canal Commission, and discussed with him the operation of the Canal and the prospects for the future.

The treaties that were signed in 1977 between the United States and Panama gov-

erning the Panama Canal addressed the following issues:

(1) A basic treaty governing the operation and defense of the canal, extending through December 31, 1999 (Panama Canal Treaty);

(2) A treaty guaranteeing the permanent neutrality of the canal (Treaty on the Permanent Neutrality and Operation of the Panama Canal);

(3) Separate agreements for implementing the provisions of the Panama Canal Treaty dealing with the operation and defense of the canal;

(4) Related agreements dealing with other U.S. activities in the Republic of Panama.

In negotiating these treaties, the United States sought to protect its strong national interest in having the canal continue to be efficiently operated, secure, neutral and open to American commerce and military vessels and to vessels of other nations on a nondiscriminatory basis. The treaties were negotiated with Panama in the belief that the best way to ensure Panamanian cooperation with these objectives was to make Panama feel it had a concrete stake in the operation and defense of the canal. By responding to Panamanian aspirations for eventual control of the waterway and adjacent Canal Zone, the United States helped to create a more satisfactory long-term environment for the canal's continuing successful operation and defense.

#### TREATY PROVISIONS

**Canal Operations.**—The United States is responsible for operation of the canal until expiration of the Panama Canal Treaty on December 31, 1999. Panama grants to the U.S. the rights to use land and water areas and facilities necessary for the management, operation, maintenance and defense of the canal during this period. The Panama Canal Commission, a U.S. Government agency, manages, operates and maintains the canal under the supervision of a board consisting of five Americans (appointed by the President of the United States) and four Panamanians (nominated by the Government of Panama). Until 1990, the Administrator (Mr. McAuliffe), who is the Commission's senior operating official, is an American, and the Deputy Administrator is a Panamanian. Those positions will be reversed in 1990 and the treaty also requires that Panamanians participate increasingly at all levels in the canal's operation in preparation for Panama's assumption of responsibility in 1999.

**Jurisdiction.**—Panama assumed general territorial jurisdiction over the former Canal Zone when the treaties entered into force on October 1, 1979. Nongovernmental businesses and nonprofit activities located in the former Canal Zone were permitted to continue operating on the same terms as apply elsewhere in Panama.

**Defense and National Security.**—The United States has primary responsibility for the canal's defense during the Panama Canal Treaty's term. Allied Panamanian forces participate with U.S. forces in the protection and defense of the canal. During the course of the recent political unrest, the United States has emphasized the need for the Panama Defense Force to return to its primary role as a defense force and remove itself from politics. U.S. rights to station forces and maintain bases in Panama are established in the canal treaty and terminate with that treaty in 1999. New base rights agreements will have to be negotiated with Panama in order to maintain bases in Panama after the year 2000. U.S. and Panamanian warships are entitled to expeditious

passage through the canal at all times. No nation's ships are prohibited from using the Panama Canal.

**Economic Provisions.**—The canal treaty's financial provisions involve no appropriation of U.S. taxpayer funds for canal operation, including payments to Panama. By law, the Panama Canal Commission must be self-sustaining, and the amounts appropriated by Congress which it spends may not exceed its revenues from canal tolls and other sources. During the treaty's life, Panama receives the following payments exclusively from canal revenues:

(1) A fixed annual payment of \$10 million;

(2) An annual payment of \$10 million, which is adjustable, to defray the cost of police, fire, road maintenance and other services provided to canal operating areas by the Panamanian Government;

(3) An annual payment of \$.31 per Panama Canal ton transiting the canal (in FY 1986, this payment was almost \$57 million); and,

(4) A contingency payment of up to \$10 million in the event that canal operating revenues in a given year exceed commission expenditures that year. As was mentioned earlier, Panama claims that more canal profits should be turned over to Panama, while the U.S. insists excess canal revenues are necessary for capital improvements and maintenance.

In a note separate from the treaties, the United States agreed to cooperate with Panama in programs designed to give Panama economic and military assistance. For this purpose, the U.S. pledged its best efforts to arrange for an economic program of loans, loan guarantees, and credits to be implemented over the years following ratification of the treaties under existing programs and subject to the availability of funds. This economic cooperation program included approximately \$200 million in Export-Import Bank support for U.S. exports to Panama, \$75 million in AID housing investment guarantees, and \$20 million in Overseas Private Investment Corporation loan guarantees. All of these cooperative activities have been offered and, where accepted, are being implemented. The U.S. also undertook to offer some \$50 million in U.S. Government-guaranteed foreign military sales (FMS) credits over a period of 10 years to improve Panama's ability to assist in the canal's defense. In the years since the treaties entered into force, the U.S. has offered about \$19 million in such FMS credits, as well as about \$40 million in grant military assistance and \$3.7 million in military training.

U.S. treaty obligations and policy are to train Panamanians in all areas of canal operation in anticipation of Panama's assumption of full responsibility of the canal in 1999. Currently, about 80% of the Panama Canal workforce is Panamanian.

**Negotiations and Ratification of the Treaties.**—Among the issues discussed during the course of negotiations on the canal treaties was the question of transition to democracy. While not a formal agreement as a result of the negotiations, an understanding was reached that Panama would move toward fully democratic government, with the military withdrawing from the political arena. The current political crisis has brought forward once again the issue of transition to democracy in Panama and the question of how that will affect U.S. interests regarding the future of the canal.

At the time of Senate ratification of the canal treaties, Senator DeConcini of Arizo-

na offered a reservation providing for the United States to use military force in Panama to reopen the canal if it were to be closed for any reason. The original DeConcini reservation provoked considerable controversy between the United States and Panama over whether this allowed U.S. intervention once again in Panama. A compromise was worked out and the final language agreed to was as follows:

"Pursuant to its adherence to the principle of non-intervention, any action taken by the United States of America in the exercise of its rights to assure that the Panama Canal shall remain open, neutral, secure and accessible, pursuant to the provisions of this Treaty and the Neutrality Treaty and the resolutions of advice and consent thereto, shall be only for the purpose of assuring that the canal shall remain open, neutral, secure, and accessible, and shall not have as its purpose or be interpreted as a right of intervention in the internal affairs of the Republic of Panama or interference with its political independence or sovereign integrity."

Although the delegation's primary mission was to carry a message to Chile in support of the transition to democracy in that country, the Members returned to the United States with even greater concern for the current situation in Panama. The Members of codel Lagomarsino believe that political instability and lack of movement toward democracy in Panama have the potential for an even greater impact on U.S. national security interests than the situation in Chile.

The resolution introduced by my colleague from California, Mr. LEVINE, reflects the concerns of many of us in this House. I share the concerns of the sponsor about the allegations made against some members of the Panama defense forces. However, I am also concerned that some of the wording in the resolution may prove to be counterproductive and may delay movement toward democracy rather than promote.

I would also like to point out that the resolution recommends the President cease all economic and military assistance to Panama and prohibit sugar imports from Panama. The Members should understand that the administration took the initiative itself in suspending aid to Panama following the unwarranted action by the Government of Panama in facilitating a destructive demonstration against the U.S. Embassy building in Panama City. Also, on August 7, Congressman JIM LEACH and I wrote President Reagan applauding his action in suspending United States aid to Panama and urging him to halt imports of Panamanian sugar.

Because the situation in Panama is so critical to United States security interests, it is imperative that we be extremely sensitive to the effects our actions may have. In the case of this resolution, I believe opposing the resolution would send a worse signal than supporting it. I also believe it would have been more effective if we had had the opportunity to consider the language of this specific resolution in

subcommittee before acting on it now on the floor. However, we are beyond that point now, and we must take a stand on preserving our interests in Panama and on the importance of promoting a prompt return to democracy in that nation. For that reason, I am supporting this resolution and urge my colleagues to support it as well.

Mr. FASCELL. Mr. Speaker, I rise in support of House Concurrent Resolution 197, United States policy toward Panama.

The Committee on Foreign Affairs has been following with deep concern developments in Panama. In July the committee considered a resolution regarding the lack of human rights and political democracy, but did not bring the resolution before the full House because of suggestions from various quarters that, given a little more time, the powers-that-be in Panama would commence a return to real democracy.

That has not happened, and it is now time for the House to state its view loud and clear that the continued deprivation of basic human liberties and democracy by the Government of Panama will affect United States policy and our relations with that government.

Panama is an old and trusted friend, and it pains us to see its people deprived of their natural rights of freedom of expression and freedom to choose their own government.

I commend the gentleman from California [Mr. LEVINE] for introducing what I consider to be a tempered and appropriate response to the deplorable situation in Panama.

I urge support for the resolution.

Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 197, legislation expressing a sense of Congress that the United States should cease all economic and military assistance to Panama except for assistance required for immediate humanitarian concern. I believe that recent events in this country justify such an action.

It has become apparent that the executive, judicial, and legislative branches of the Government of Panama are now under the influence and control of the Panamanian military. A broad coalition of church, labor, business, civic, and political groups have called for investigations into the allegations of serious violations of laws by certain officials of the government and military in Panama. Many have demanded that General Noriega and others involved resign their positions until an investigation has been completed.

It is indeed tragic that the Panamanian people are denied the basic rights guaranteed by their constitution. Arrests without due process, censorship and even closure of the independent media and use of excessive force by the Panamanian Defense Forces have become common occurrences. Panama's problems can only be resolved through a return to the rule of law.

When basic human rights are denied to a people it is inappropriate for the United States to offer military or economic aid to that people's government. It is my hope that when this message is received in Panama, some change will be forthcoming. Accordingly, I urge my colleagues on both sides of the aisle to support this timely and sensible resolution.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEVINE of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. LEVINE] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 197 as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. LEVINE of California. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days in which to revise and extend their remarks on H. Con. Res. 197, the concurrent resolution, just agreed to.

The SPEAKER pro tempore. (Mr. DE LA GARZA). Is there objection to the request of the gentleman from California?

There was no objection.

#### TRANSFER OF SUBMARINE U.S.S. "TURBOT," TO DADE COUNTY, FL

Mr. BENNETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3283) to allow the obsolete submarine U.S.S. *Turbot* to be transferred to Dade County, Florida, before the expiration of the otherwise applicable 60-day congressional review period.

The Clerk read as follows:

H.R. 3283

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clauses (2) and (3) of section 7308(c) of title 10, United States Code, shall not apply with respect to the transfer, under section 7308(a) of such title, by the Secretary of the Navy of the obsolete submarine United States ship *Turbot* to Dade County, Florida.*

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Florida [Mr. BENNETT] will be recognized for 20 minutes and the gentleman from California [Mr. HUNTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Armed Services recommends approval of the bill H.R. 3283. H.R. 3283 would waive the normal 60-day congressional notification-and-wait period for the

transfer of the obsolete U.S. Navy vessel, *Turbot*, to Dade County, FL.

The *Turbot*, is a partially-completed submarine of World War II vintage that was never commissioned as a Navy ship. At one time *Turbot*, was used in experiments at the David W. Taylor Naval Ship Research and Development Center in Annapolis, MD, where she is still located. She has since been declared to be excess property by the Navy and was about to be sold for scrap when Dade County, FL, requested her use.

Dade County would use the hulk to create an artificial reef in its coastal waters. The Navy is agreeable to the transfer under the usual conditions that Dade County pay all associated costs and assume liability for the transfer. The Dade County Board of County Commissioners approved a resolution on September 1, 1987, agreeing to the conditions and accepting the donation of the ship by the Navy. On October 15, the Secretary of the Navy notified the Congress of his intent to transfer the hulk, and the 60-day clock specified in section 7308 of title 10 has started.

We understand that Dade County would like to move the hulk before the onset of colder weather makes its transfer more difficult, hence the request for the waiver. A similar bill has been introduced in the Senate.

Mr. Speaker, because the Navy is amendable to this transfer and the hulk has no military value, I strongly urge the adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

1340

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to associate myself with the remarks of the distinguished chairman of the Seapower Subcommittee.

Current law provides that the Secretary of the Navy may transfer by gift or otherwise, on terms prescribed by him, any obsolete or condemned vessel of the Navy to any State, municipal corporation, or political subdivision thereof. Each agreement for the transfer of a vessel under this law shall include a stipulation that the transferee will maintain the vessel in a condition satisfactory to the Navy and that no expense to the United States will result from the transfer. Current law also provided that no transfer be made until the Congress is notified of the proposal, and a period of 60 days of continuous session of Congress passes.

In this instance, Mr. Speaker, Dade County has agreed to take delivery of the obsolete naval vessel, *Turbot*, "as is, where is" and to pay all charged incident to the transfer. They have further agreed not to use the hulk for anything other than the creation of

an artificial reef, and to accept all liabilities associated with the transfer.

Waiver of the required 60-day notification-and-wait period is entirely justified in this case. The Secretary of the Navy has notified the Congress of his intent to transfer the hulk. The Armed Services Committee has satisfied itself that the hulk in question has no remaining useful military value. Hence, waiver of the waiting period is fully in keeping with the spirit and intent of the current law.

Mr. Speaker, I urge the adoption of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BENNETT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the motion offered by the gentleman from Florida [Mr. BENNETT] that the House suspend the rules and pass the bill, H.R. 2873.

The question was taken; and (two-thirds having voted in favor thereof) there rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### PROHIBITING DOD FROM ENTERING INTO CERTAIN OVERSEAS CONTRACTS HAVING TO DO WITH SEVERANCE PAY

Mr. DANIEL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2873) to prohibit the Secretary of Defense or Secretary of a military department to enter into any overseas contract that allows for the payment of severance pay greater than the typical rate of severance pay in the United States or that requires the Government to reimburse a contractor for overseas banking services for bad debt expenses.

The Clerk read as follows:

H.R. 2873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. PROHIBITION ON ENTERING INTO OVERSEAS CONTRACTS CONTAINING CERTAIN SEVERANCE PAY PROVISION.

(a) PROHIBITION.—The Secretary of Defense or Secretary of a military department may not enter into a contract to be performed outside the United States if such

contract contains a severance pay provision described in subsection (b).

(b) SEVERANCE PAY PROVISION.—The severance pay provision referred to in subsection (a) is any provision which allows for the payment of severance pay to an employee of the contractor in an amount in excess of the prevailing practice in the United States with respect to severance pay for similar employees in the industry involved, as determined by the Secretary under regulations.

#### SEC. 2. PROHIBITION ON ENTERING INTO OVERSEAS BANKING CONTRACTS CONTAINING CERTAIN ALLOWABLE COST PROVISION.

(a) PROHIBITION.—The Secretary of Defense or Secretary of a military department may not enter into a contract to be performed outside the United States for the provision of banking services if such contract contains an allowable cost provision described in subsection (b).

(b) ALLOWABLE COST PROVISION.—The allowable cost provision referred to in subsection (a) is any provision which allows the contractor to be reimbursed by the Secretary for—

(1) any losses arising from uncollectible loans made by the contractor to authorized banking customers under the contract and losses arising from uncollectible checks cashed by the contractor for such banking customers; and

(2) any reasonable costs incurred by the contractor in the collection of delinquent loans made by the contractor to authorized banking customers under the contract and dishonored checks cashed by the contractor for such banking customers.

#### SEC. 3. EFFECTIVE DATE.

Sections 1 and 2 apply with respect to any contract awarded pursuant to a solicitation issued after the end of the 180-day period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Virginia [Mr. DANIEL] will be recognized for 20 minutes and the gentleman from Ohio [Mr. KASICH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. DANIEL].

Mr. DANIEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill now under consideration, H.R. 2873, would prohibit Department of Defense from entering into two kinds of overseas contracts. The first would be a contract that allows for the payment of severance pay that exceeds what is paid in the United States. The second would be any overseas contract that requires the Government to reimburse a contractor for overseas banking services for bad debt expenses.

This bill is the direct result of the Readiness Subcommittee exercising its oversight responsibility.

On June 23, 1987, the Readiness Subcommittee, which I chair, held a hearing to receive testimony concerning the Army's request to transfer \$12.3 million to cover the additional costs associated with the termination liability involving an overseas banking

contract in Japan. Testimony by witnesses from the office of the Secretary of Defense and the Army resulted in a number of eye-opening revelations about the Department of Defense's Overseas Banking Program.

First of all, the subcommittee learned that from the time that the Department of Defense assumed responsibility for the Military Banking Program in 1978, American Express Bank and Chase Manhattan Bank had a virtual monopoly of contracts for banking services in Japan. However, when the contract was recompeted in 1986 it was awarded to the National Bank of Fort Sam Houston, primarily because its bid called for the exclusive reliance upon less expensive United States dependent hire and the termination of Japanese employees previously working for the American Express and Chase Manhattan Banks. The termination of these 141 Japanese employees involved the payment of more than \$28 million which equates to \$200,000 per employee! This astounding level of severance pay, the subcommittee was told, stemmed from the Japanese custom of lifetime employment and was based upon a formula determined by a Japanese labor court in a recent case involving the civilian operations of the American Express Bank.

Equally disturbing is the magnitude of the severance pay and how it was derived, however, was the fact that it was an allowable cost under the contract and the Department of Defense had no choice but to reimburse the banks for these costs.

Testimony also revealed a second major problem with current overseas banking contracts. That being that the Government had to reimburse contractors for bad debt expenses. Specifically, the Government was required to cover any uncollectible loan or checks and reasonable costs incurred by the contractor in the collection of delinquent loans or dishonored checks. In short, under the current overseas banking contracts, the taxpayer assumes all the risk for bad debt expenses and the contractor has no incentive to curtail these costs.

At a time when this Nation is facing severe fiscal constraints and defense dollars are hard to come by, I am deeply disturbed about these excessive costs involving overseas contracts. I see no reason why severance pay for foreign contract employees should not be the same as that received by U.S. employees. I see no reason why contractors providing overseas banking services should not assume a greater risk for bad debt expenses.

H.R. 2873 addresses these problems and I congratulate the gentleman from Ohio for introducing this legislation and pushing for its early consideration. It was unanimously approved by the Readiness Subcommittee and the

full Armed Services Committee and I urge its favorable consideration by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. KASICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if I could briefly explain how we found out about this and how it came about, I think the Members would find it very interesting.

This could almost be entered into a Ripley's "Believe It or Not," when you get right down to it. The chairman of the Subcommittee on Readiness held a hearing on reprogrammings by the Army to help pay off part of a contract to former employees of a United States bank in Japan. What happened essentially is this: We entered into banking services back in the 1940's to provide services to United States servicemen in Japan. Under the deal, the situation was that any Japanese employee who went to work for a United States company would be treated as though the United States company was a Japanese company and we assumed the responsibility for those Japanese employees for their lifetime.

What happened in the 1970's was that American Express Bank signed a contract to provide banking services. They had employed 141 Japanese employees. American Express Bank lost the contract last year and they were forced to terminate these 141 Japanese employees. The Japanese employees who were tellers in the banks, were being paid somewhere between \$60,000 and \$70,000 a person to be a teller in a United States bank in Japan.

Mr. Speaker, all the tellers that I know of in this country, if they could figure out a way to get \$60,000 or \$70,000 a year, believe me we would have such a rush on those jobs it would be unbelievable. The simple fact of the matter is Americans do not make \$60,000 to \$70,000 as tellers in a bank anymore than the people who are here doing their job in the House who are listening to this debate do not make \$60,000 to \$70,000 a year. But that is what we were paying these Japanese employees.

When they lost their jobs under the original contract there was a severance pay provision established so not only were they getting paid \$60,000 to \$70,000 a year, as a result of losing their jobs they are going to be getting paid an average of \$200,000 a piece in severance pay.

Mr. Speaker, I want everybody to understand, \$200,000 is exactly correct. It is not \$20,000, it is not \$2,000, it is \$200,000 a piece in severance pay to these 141 Japanese ex-employees.

There is not a severance pay deal that I can think of that exists in this country that has these kinds of provisions.

Additionally, under the agreement that we had, if an American soldier

would write a bad check or default on a bad loan, the American taxpayers would pay up. If a serviceman, for example, cashed a bad check and the bank does not collect, we pick up the bill.

Now we heard this testimony and we also found out later that in fact a suggestion was made to the Pentagon that we allow these bank employees to go out of work by attrition, that they be allowed to stay on, and we could avoid paying this \$200,000 average severance to these Japanese employees. For some reason that was rejected by the Pentagon.

So what we had was a situation that allowed the severance pay to be paid and also being able to pick up bad checks and bad loans for servicemen.

The gentleman from Virginia [Mr. DANIEL], the chairman of the Readiness Subcommittee, held the hearing and we got all this information and we decided the best way to go about solving this problem was, No. 1, to prevent the American Government from ever being put in a position of being forced to pay severance pay in excess of traditional customs in our country. Never again will we have a situation where a foreign employee is going to get paid an average of \$200,000. They will get paid no more than what we pay an American employee now.

So, for example, taking an employee at a bank, if that employee gets terminated and the severance pay is a total of \$2,000, that is the maximum we would pay to any other employee around the world who is working for the Department of Defense.

Additionally, we want to end the practice of allowing U.S. servicemen to receive a loan and not pay it back, or to cash a bad check and let the taxpayers pick it up. We think the burden ought to be on the financial institution to make sure that these loans are repaid and that the checks that are cashed are properly handled.

□ 1350

What we also want and were not able to write in this legislation, but as we move through the process we hope we will, we want the Armed Forces to aggressively pursue these servicemen who do not want to live up to their financial responsibility.

So the bill is simple. I think it addresses an outrageous example of waste in the Pentagon, and I hope that this is going to prevent us from ever getting into this kind of a situation again.

I salute the chairman of the Readiness Subcommittee who held the hearing and who was as incensed about this as I am and provided the leadership to the committee to express this thing in the right way, and also the Armed Services Committee for passing it unanimously.

Mr. Speaker, I ask approval of the legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DANIEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the motion offered by the gentleman from Virginia [Mr. DANIEL] that the House suspend the rules and pass the bill, H.R. 2873.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. DANIEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2873, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### CONSULTATION ON THE REFUGEE ADMISSIONS PROGRAM FOR FISCAL YEAR 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, the Refugee Act of 1980 (Public Law 96-212) requires the President to consult with Congress prior to the beginning of each fiscal year with regard to his proposals for refugee admissions for the coming year.

On September 9, 1987, U.S. Refugee Coordinator Jonathan Moore transmitted to me the President's proposal for fiscal year 1988. (See annex 1.)

Comparative tables of the U.S. refugee admission allocations for fiscal years 1987 and 1988, as well as relevant budget information on refugee resettlement and assistance were supplied to the members of the Committee on the Judiciary. (See annex 2.)

On September 23, 1987, consistent with the two-stage consultation format used in prior years, a private meeting was held between the Acting Secretary of State, Mr. John C. Whitehead, and the four consultative members of the Committee on the Judiciary, myself, the ranking minority member of the full committee, and the chairman and ranking member of the Subcommittee on Immigration, Refugees and International Law.

On the same day, the committee held a public hearing to comply with the statutory requirement to do so. Therefore, immediately following the private meeting, the committee received testimony from: Ambassador Jonathan Moore, U.S. Coordinator for Refugee Affairs; Alan C. Nelson, Commissioner, Immigration and Naturalization Service, Department of

Justice; Robert Funseth, Senior Deputy Director of the Bureau of Refugee Programs, Department of State; and Billy Gee, Director, Office of Refugee Resettlement, Department of Health and Human Services.

The hearing record will be issued as a committee document in the near future.

Upon completion of the consultation process two letters were sent to the President expressing the views of the consultative members. (See annex 3.)

On October 5, 1987, the President issued Presidential determination 88-01 establishing the Fiscal Year 1988 refugee admissions numbers and authorization of the in-country refugee status. This Presidential determination was transmitted to me on October 14, 1987, by the U.S. Coordinator for Refugees, Ambassador Jonathan Moore. (See annex 4.)

#### ANNEX 1

##### U.S. COORDINATOR FOR REFUGEE AFFAIRS,

Washington, DC, September 9, 1987.

HON. PETER W. RODINO, JR.,  
Chairman, Committee on the Judiciary,  
House of Representatives.

DEAR MR. CHAIRMAN: In accordance with the Refugee Act of 1980, I am pleased to transmit the President's recommendation for the Fiscal Year 1988 refugee admissions ceiling in preparation for our annual consultations with the Congress.

The President's final determination on refugee admissions levels and regional allocations will be made only after we have carefully considered Congressional and other views expressed during the consultation process.

Sincerely,

JONATHAN MOORE.

THE WHITE HOUSE,

Washington, September 5, 1987.

Memorandum for: The Honorable George P. Shultz, The Secretary of State; The Honorable Jonathan Moore, United States Coordinator for Refugee Affairs.  
Subject: FY 1988 Refugee Admissions Consultations.

In accordance with the Refugee Act of 1980, you are authorized to consult with the appropriate committees of the Congress on the following points:

The admission of up to 72,500 refugees to the United States during FY 1988. Of this ceiling, 68,500 would be allocated by specific region as follows: 3,000 for Africa, 29,500 for East Asia/First Asylum, 8,500 for East Asia/Orderly Departure Program, 15,000 for Eastern Europe and the Soviet Union, 3,500 for Latin America and the Caribbean, and 9,000 for Near East and South Asia. The remaining 4,000 admissions numbers would be held as an unallocated reserve for refugee admissions needs contingent upon the availability of private sector funding.

An additional 5,000 refugee admissions numbers which shall be made available for the adjustment to permanent resident status of aliens who have been granted asylum in the United States, as this is justified by humanitarian concerns or is otherwise in the national interest.

Further, I propose to specify that special circumstances exist such that, for the purpose of admission under the limits established above, the following persons, if they otherwise qualify for admission, may be considered refugees of special humanitarian concern to the United States even though they are still within their countries of nationality or habitual residence:

Persons in Vietnam and Laos with past or present ties to the United States, persons who have been or currently are in reeducation camps in Vietnam or seminar camps in Laos, and Amerasian children in Vietnam, and their accompanying family members; and

Present and former political prisoners, and persons in imminent danger of loss of life, and their accompanying family members, in countries of Latin America and the Caribbean.

RONALD REAGAN.

#### ANNEX 2

##### COMPARATIVE U.S. REFUGEE ADMISSION ALLOCATIONS FOR FISCAL YEAR 1987 AND FISCAL YEAR 1988

Area of origin	Proposed admission, fiscal year 1988		Estimated admissions, fiscal year 1987	
	Consulta- tion levels	Reallo- cated levels	Estimated arrivals in United States	
Africa	3,000	3,500	2,000	2,000
East Asia				
First asylum	29,500	32,000	32,000	30,800
Orderly Departure Program	8,500	8,500	8,500	8,500
Eastern Europe and Soviet Union	15,000	10,000	12,300	12,300
Latin America and the Caribbean	3,500	4,000	1,000	400
Near East and South Asia	9,000	8,000	10,200	10,000
Subtotal	68,500	66,000	66,000	64,000
Unallocated reserve	4,000	4,000	4,000	0
Total	72,500	70,000	70,000	64,000

#### AFRICA

The level of 3,000 refugees is a slight reduction from the 3,500 ceiling set by the Presidential Determination (PD) for FY 1987, but well above the estimated 2,000 actual arrivals for FY 1987.

Refugees from Ethiopia located in first asylum countries Sudan and Europe will be resettled.

#### EAST ASIA

The FY 1988 ceiling for East Asian refugees is 29,500, a reduction of 2,500 from FY 1987. This continues the decrease since 1979 for this program. The level keeps intact the encouragement for countries to continue humane first asylum policies.

The Orderly Departure Program retains the same 8,500 ceiling allocated in FY 1987.

#### EASTERN EUROPE AND SOVIET UNION

The FY 1988 ceiling for refugees from the Soviet Union and Eastern European countries is 15,000, up 2,700 from the revised ceiling for FY 1987.

The more liberal immigration policies adopted by the Soviet Union in 1987 resulted in an outflow of nearly 1,000 per month. This is expected to continue through FY 1988.

#### LATIN AMERICA AND THE CARIBBEAN

The proposed ceiling for this region for FY 1988 is 3,500. The FY 1987 ceiling was reduced to 1,000 because of the suspension of the agreement with the Cuban government. The FY 1988 ceiling will permit entry of current and former political prisoners from Cuba and elsewhere. A new program was also introduced during the current fiscal year for non-Cuban refugees. Pre-screening indicated there is a pool of several hundred who may be eligible for this program.

## NORTH EAST AND SOUTH ASIA

The proposed ceiling for this region in FY 1988 is 9,000, an increase of 1,000 from the original FY 1987 ceiling. The FY 1988 ceiling will permit processing of an appropriate number of Iranian, Afghan and other regional refugee applicants who have families here in the U.S. or are members of persecuted religious minorities.

## UNALLOCATED RESERVE

The FY 1988 proposal continues to include an unfunded, unallocated reserve of 4,000, the use of which is to be contingent upon the development of a private sector program.

It should be noted that there was a similar reserve in FY 1987 which was not used.

Migration and Refugee Assistance, FY 1988  
Justification of Program Activities

[Refugee admissions; in thousands of dollars]

1986 actual .....	\$105,342
1987 estimate .....	108,731
1988 request .....	94,550
Increase/decrease .....	-14,181

The Department of State is requesting \$94,550,000 for its Admissions Program for FY 1988, a decrease of \$14,181,000 from the FY 1987 estimate. This level of funding will support all FY 1988 activities related to the admission of approximately 55,000 refugees to the United States.

The President, as required by the Refugee Act of 1980, will consult with Congress and set the actual admissions ceiling (also referred to as the consultation level) shortly before FY 1988 begins. The specific regional ceilings established in the consultations process will be based on an assessment of the worldwide refugee situation at that time. For planning and budget request purposes, however, the Department has conducted a thorough analysis of current worldwide refugee situations and expected trends. Our funding request is based on regional assumptions outlined below. The table compares the 1988 estimates with FY 1986 actual admissions and the FY 1987 estimates.

## REFUGEE ADMISSION LEVELS

	Fiscal year		
	1986 actual	1987 estimate	1988 estimate
East Asia, First asylum.....	36,954	32,000	270,000
East Asia, ODP .....	8,500	8,500	8,500
Eastern Europe/USSR .....	9,500	10,000	9,000
Near East/South Asia .....	5,998	8,000	6,000
Western Hemisphere .....	173	4,000	1,500
Africa .....	1,315	3,500	3,000
Total .....	62,440	66,000	55,000

<sup>1</sup> Consultations ceiling of 70,000 includes an additional 4,000 numbers, unallocated by region, as an unfunded contingency.

<sup>2</sup> Levels are approximate.

MIGRATION AND REFUGEE ASSISTANCE, FY 1988 SUMMARY  
BY PROGRAM

[In thousands of dollars]

	1986 actual	1987 estimate	1988 request	Increase/ Decrease
Refugee admissions .....	105,342	108,731	94,550	-14,181
Refugee assistance:				
East Asia .....	32,932	29,350	28,000	-1,350
Africa .....	56,015	60,475	60,000	-475
Near East .....	85,000	87,500	89,200	1,700
Latin America .....	15,770	17,400	15,500	-1,900
Subtotal .....	189,717	194,725	192,700	-2,025

MIGRATION AND REFUGEE ASSISTANCE, FY 1988 SUMMARY  
BY PROGRAM—Continued

[In thousands of dollars]

	1986 actual	1987 estimate	1988 request	Increase/ Decrease
Other assistance:				
Refugees to Israel .....	11,962	25,000	10,000	-15,000
Other International Organizations .....	9,500	9,900	9,200	-700
Subtotal .....	21,462	34,900	19,200	-15,700
Administration .....	7,720	8,500	8,000	-500
Total .....	324,241	346,856	314,450	-32,406

## Annex 3

## COMMITTEE ON THE JUDICIARY,

Washington, DC, September 24, 1987.

HON. RONALD REAGAN,

The President,

The White House, Washington, DC.

DEAR MR. PRESIDENT: The Committee on the Judiciary of the House of Representatives has completed the consultation process required by the Refugee Act of 1980, with regard to your proposed refugee admissions and allocations for Fiscal Year 1988.

We interpose no objection to the numbers and allocations as proposed.

We wish to confirm the commitment made at the Full Committee hearing on Wednesday, September 23, 1987, that there will be advance notification to the Committee of any plans to utilize the 4000 unfunded numbers included in the proposal. Additionally, should more numbers be required to accommodate the admission of Soviet Jews beyond those specified in the proposal, we are pleased by the assurances given by Ambassador Moore, U.S. Coordinator for Refugee Affairs, that existing numbers within the ceilings will be reallocated or additional numbers under the emergency provisions of the Refugee Act will be immediately requested.

Concerns were expressed during the consultation that adequate funds had not been requested for the level of refugee admissions which have been proposed. We, therefore, acknowledge the further assurances provided by Deputy Secretary of State, John Whitehead and Ambassador Moore that supplemental funding would be requested to make up for this shortfall.

As in the past, we reiterate that the allocated numbers are to be considered as ceilings rather than quotas.

Also, the Committee would appreciate continuing to receive monthly reports on the progress of the FY 1988 refugee admissions program.

We are grateful to the Secretary of State, the Deputy Secretary of State, Ambassador Jonathan Moore, and the representative of the Departments of State, Justice, and Health and Human Services for having given the Committee their cooperation and assistance in carrying out this consultation.

We look forward to working with you and your representatives in the successful implementation of the refugee program.

Sincerely,

Hamilton Fish, Jr., Ranking Minority Member; Patrick L. Swindall, Ranking Minority Member, Subcommittee on Immigration, Refugees, and International Law; Peter W. Rodino, Jr., Chairman.

## COMMITTEE ON THE JUDICIARY,

Washington, DC, September 28, 1987.

HON. RONALD REAGAN,

The President,

The White House, Washington, DC.

DEAR MR. PRESIDENT: On September 23, 1987, The Committee on the Judiciary of the House of Representatives completed its consultation on your FY 1988 proposed Refugee Admissions Program. Because certain issues arose during these consultations, I would like to address them now.

Of primary concern to me is the 68,500 proposed level of refugee admissions. This is an increase of 2,500 over last year's program and 4,500 more than the estimated arrivals for FY 1987. More significantly, the proposal is considerably over the number contained in the budget request for FY 1988, which provided funds for the resettlement of 55,000 refugees.

Having requested funding for the admission of 55,000 refugees, and then having decided that a more appropriate ceiling would be 68,500, the Administration now finds itself in the difficult position of needing an additional \$23 million to compensate for the 13,500 differential. I find this extremely disturbing and must conclude that the original budget submission was designed not so much to reflect the admissions numbers actually contemplated, but to suggest a winding down of the overall numbers and to promote the perception that the refugee program, like most other federal programs, would be subjected to the fiscal restraints imposed by our large federal deficit. Indeed, over the years there seems to be a pattern of submitting unrealistically low budget requests for this program. I would hope this practice would cease, so that the Congress would not be put in the awkward position of having to consider requests for additional funding outside the normal budgeting and appropriations process.

Also, I still am unclear on the purpose of the inclusion, once again, of 4,000 unfunded, unallocated numbers and feel strongly that this allocation should be deleted. Under the Refugee Act, a primary purpose of the consultation process is to provide Congress with "a description of the number and allocation of the refugees to be admitted and an analysis of conditions within the countries from which they came." (8 U.S.C. 1157(e)(2)). Clearly, an unallocated reserve is fundamentally at odds with this statutory mandate and, to the extent utilized, prevents Congress from fulfilling its consultative obligations.

Once again, I wish to comment that the FY 1988 refugee program is heavily weighted in favor of Indo-Chinese refugees. With thousands of former refugees from that area now resettled in the United States and eligible to petition for their families under the regular immigration preference system, I believe that the Secretary of State and the Attorney General should make a serious effort to convert much of this refugee program into a statutory immigration program.

As a final observation, I still think that more attention should be paid to increasing the flow of refugees from Latin America and Africa. The initiation of a non-Cuban pilot refugee program in cooperation with the Intergovernmental Committee for Migration (ICM) in Central America seems to be a start in this direction. I hope that this may progress to a more substantial program in the near future.

To further the program in Africa, the Attorney General should not delay in implementing his plan to open an Immigration

and Naturalization Service (INS) office on the African Continent.

Mr. President, the United States has been in the forefront in providing for the resettlement of refugees, as well as in making substantial resource contributions towards the humanitarian relief of world-wide refugee situations. I have stressed through the years that these programs should be internationally supported. I reiterate that there should be a continuing appeal by U.S. representatives to the international community to assume their fair share of these responsibilities.

I wish to thank the Secretary of State, the Deputy Secretary of State, the U.S. Coordinator for Refugees and the representatives of the Departments of State, Justice, and Health and Human Services for their assistance in the FY 1988 consultation process.

Sincerely,

ROMANO L. MAZZOLI,

Chairman,

Subcommittee on Immigration,  
Refugees and International Law.

#### ANNEX 4

U.S. COORDINATOR

FOR REFUGEE AFFAIRS,

Washington, DC, October 14, 1987.

HON. PETER W. RODINO, JR.,

Chairman, Committee on the Judiciary,  
House of Representatives.

DEAR MR. CHAIRMAN: I am pleased to transmit herewith a copy of Presidential Determination No. 88-1, signed and dated October 5, 1987, entitled: "Determination of FY 1988 Refugee Admissions Numbers and Authorization of In-Country Refugee Status Pursuant to Sections 207 and 101(a)(42), Respectively, of the Immigration and Nationality Act."

The Presidential Determination is the formal result of the consultations process, but it does not complete it. I and my colleagues in the Administration have been giving careful consideration to the points raised in the several letters to the President and to the Secretary of State from the consultative members of Congress, and you may expect our replies shortly. In addition, I wish to reconfirm my belief that consultations between the Congress and the Executive Branch must continue on a regular and informal basis throughout the year, and I will endeavor to adhere to this principle.

As instructed by the President, I will cause this Determination to be published in the Federal Register.

I was again impressed by the informed, bipartisan concern for the plight of refugees which forms the common ground for the refugee admissions program and the consultations process, and I personally appreciate your cooperation in the formulation of our national humanitarian response.

With best wishes,

Sincerely,

JONATHAN MOORE.

THE WHITE HOUSE,

Washington, DC, October 5, 1987.

(Presidential Determination No. 88-01.)

Memorandum for: the U.S. Coordinator For  
Refugee Affairs.

Subject: Determination of FY 1988 Refugee Admissions Numbers and Authorization of In-Country Refugee Status Pursuant to Sections 207 and 101(a)(42), Respectively, of the Immigration and Nationality Act.

In accordance with Section 207 of the Immigration and Nationality Act ("the Act"),

and after appropriate consultation with the Congress, I have made the following determinations:

(a) The admission of up to 72,500 refugees to the United States during FY 1988 is justified by humanitarian concerns or is otherwise in the national interest.

(b) Four thousand of these admissions numbers shall be set aside for private sector admissions initiatives. The admission of refugees using these 4,000 numbers shall be contingent upon the availability of private sector funding sufficient to cover the essential and reasonable costs of such admissions.

(c) The 68,500 refugee admissions covered under Federal programs shall be allocated among refugees of special humanitarian concern to the United States as described in the documentation presented to the Congress during the consultations that preceded this Determination and in accordance with the following regional allocations:

Africa .....	3,000
East Asia, first asylum .....	29,500
East Asia, Orderly Departure Program .....	8,500
Eastern Europe/Soviet Union .....	15,000
Latin America/Caribbean .....	3,500
Near East/South Asia .....	9,000

Unused admissions numbers allocated to a particular region may be transferred to one or more other regions if there is an overriding need for greater numbers for the region or regions to which the numbers are being transferred. The Coordinator will consult with the Congress prior to any such reallocation.

(d) The 4,000 privately funded admissions may be used for refugees of special humanitarian concern to the United States in any region of the world at any time during the fiscal year. The Congress shall be notified in advance of the intended use of these numbers.

(e) An additional 5,000 refugee admissions numbers shall be made available for the adjustment to permanent resident status under Section 209(b) of the Act of aliens who have been granted asylum in the United States under Section 208 of the Act, as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with Section 101(a)(42) of the Act, and after appropriate consultation with the Congress, I have specified that the following persons may, if otherwise qualified, be considered refugees for the purposes of admission to the United States while still within their countries of nationality or habitual residence:

(a) Persons in Vietnam and Laos with past or present ties to the United States; persons who have been or currently are in reeducation camps in Vietnam or seminar camps in Laos; Amerasians in Vietnam; and the accompanying family members of such persons.

(b) Present and former political prisoners and persons in imminent danger of loss of life in countries of Latin America and the Caribbean, and their accompanying family members.

You are hereby authorized and directed to report this Determination to the Congress immediately and to publish it in the Federal Register.

RONALD REAGAN.

#### TRIBUTE TO MARK FRANKLIN

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Illinois [Mr. GRAY] is recognized for 5 minutes.

Mr. GRAY of Illinois. Mr. Speaker, I rise in the well of the House today to pay tribute to Mark Franklin of Benton, IL.

Mark Franklin is a Special Education senior at the Benton Consolidated High School in Benton, IL. Last August Mark won a gold and a silver medal at the International Special Olympics at Notre Dame University. His gold medal was for the individual high jump event. Mark won the silver medal in the pentathlon.

Mark Franklin is the son of Denzil and Loretta Franklin. Denzil Franklin is a teacher at the Benton Middle School. Mark and his family have been involved in the Special Olympics since Mark was in grade school. In 1986 Mark Franklin finished first in the pentathlon at the Illinois finals.

Mark is a popular student at the Benton High School where he is the manager of the football and basketball team. In that role, he has become "one of the boys" in the Athletic Department.

On Saturday, October 24, 1987, at 2 P.M., Mayor Charles Smith will lead a city wide celebration for Mark Franklin on a street now officially designated "Mark Franklin Street." Appropriately, Mark Franklin Street is adjacent to the Franklin Hospital. This may mark the first time that an American street has been named for a Special Olympian.

The Citizens of Benton, the Special Olympics, the Franklin Hospital, and the Benton High School will join together to honor Mark Franklin and his family and, through them, honor all Special Olympians.

Mr. Speaker, as Mark's Congressman I want to join Mayor Charles Smith and all the citizens of Benton and southern Illinois in saluting this great athlete. He brings great credit to all of us as well as himself. Congratulations Mark.

#### U.S. POLICY IN CENTRAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise today to complete, to round out a subject matter that I discussed last week concerning the fact that on that occasion, on that date, if I remember correctly, it was October 7, I pointed to an article appearing that day in the Washington Post in which the President was quoted as saying that he was going to make an address, I believe at the U.N., in which he was going to express his support for the so-called President Arias peace plan. I then said for the RECORD that if that were true it was the best thing I had heard since 1980, and that means since Jimmy Carter, because it has been since that day that I have spoken on the question of Central America specifically and Latin America generally.

It seems strange that having been here since 1961 that it would not have been until 1980 that I would have even

so much as made any kind of remarks concerning Latin America, as we call it. But the fact is that in 1966 I was named by the Organization of American States to represent the United States as an observer at the July 1, 1966, elections in Santa Domingo, and indeed I went to Santa Domingo.

Of the group of observers who were there from various and diverse countries, I was the only one that went into every precinct, at least in the capital, and it was quite an experience. Other than reporting on that, I have not deliberately, I guess, done so because I did not want anybody to think that I was presuming to be an expert because my last name being what it is, and that such a presumption would be one that I did not want to establish, because it is not true, and it was not a fact. I do not consider myself an expert.

However, given the nature of the history of my background and my family, there naturally have been things that I am sensitive to that the average American who has neither knowledge or is not cognizant of the peculiar historical antecedents, not only of the countries immediately to the south of our border, but Latin America generally, Caribbean, for instance, would not be sensitive about. It is one reason why we have not had some actions critical of the President, and I think that I am speaking the truth when I say that there is not a Member I know, including myself, that takes any pleasure in not being cooperative or in being critical of a President.

However, under our system, in order to be true to it, we must adhere to the independence, the co-equality and the separation of powers, and that means that branch of Government which we happen to belong to and which the people elected us.

So in the course of doing that, of the six Presidents that I have had the honor to serve with or be associated with co-equal service in the House, there have been times when even the closest, and no man was any closer as President, nor did I have such privacy as I did with President John F. Kennedy, whom I had met as far back as 1951. Even my fellow Texan and neighbor, President Lyndon Johnson, and I never quite developed the degree of friendship and intimacy that did exist between President John F. Kennedy and myself. And it was a very, very fortuitous thing, because it was John Kennedy who since the postwar period, if such we can call it—I have long maintained, by way of parentheses, that there is no such thing as a postwar period because there never has been a peace treaty, and we still have 300,000 of our soldiers in Germany, 45,000 in Korea, and I would say that that was far from being the termination or cessation of World War

II—but nevertheless, that is my point of view, and I said that by way of parentheses in order to emphasize that since that period, since 1945, the only President that has developed or attempted to a unique and a seminal approach to our relations with the nations that share the New World with us, and that destiny has proscribed to sharing this destiny in common, and that was through his Alliance for Progress Program which, as deficient as the critics may have labeled it, did in fact receive the wholehearted and good willed acceptance of these countries to the south of us even though, as I have said before, if President Kennedy were President today, in the 1980's, and he would have unveiled that program it would not take in the Latin America of the 1980's. Those days are gone forever.

In the decade of the 1960's it was a unilateral approach. That will not work.

I think I am impelled to speak because, as I have been since April 1, 1980, and I will remind my colleagues that President Jimmy Carter was President, not Ronald Reagan, but many of the remarks I have made for the RECORD have been criticized by some as being partisan because I have been very severe of my criticism of President Reagan. I have taken no pleasure in doing so, and I wish that it could have been otherwise. But even in the case of John F. Kennedy, there were votes that I did not go along with that he had requested. One of the very first in the second session of the 87th Congress, the so-called Kennedy round of GATT, the General Agreement on Tariffs and Trade, I could not go along with that because of a clause that it included. That antagonized people at the time, it antagonized the congressional liaison that President Kennedy sent over to try to figure out why I would not support Secretary Freeman and the chairman of our Agriculture Committee who, incidentally, was a fellow Texan at the time, Robert Pogue, Bob Pogue. They said we sent you our expert because you had questions that you had asked and I said, that is right, but the questions were never answered. They asked, well, specifically, what, and I said there is a chapter here that says that in the event that this agreement results in detriment to business in America there shall be a study conducted and a commission created to study that adverse impact. I said here you are telling us that there is going to be no adverse impact, that all of this is gone. Then why is this clause in here? They said, well, that is just in case. I said, no, that is not good enough, because if there is even the slightest iota of detriment and adverse impact on American business life, manufacturing and industry, then I want more than some study commission. I want a system set

up in order to either attenuate or, if possible, prevent that adverse impact. So my vote was no. It was not very well received by those who surrounded the President, though he himself understood. I heard no complaint from him.

With President Johnson there were occasions I could not go along. I noticed in some of these later, after the event publications that have the biographies or the summaries of the Members of Congress, there are two basic high-cost publications. Some of them have never bothered to read the RECORD, and fortunately, and that is one reason I go on record, for I had not been sworn in 1 week before I took advantage of this privilege of special orders and addressed the House.

□ 1405

At that time the system was used only by submitting prepared statements, with the Member not having to say the speech on the House floor, and with nothing to indicate that he had not at that time. But I felt that the reason for this privilege, also demanded, and it was by the very nature of the history of this privilege which I have read, that it was assumed that the Member would make use of it because it was this opportunity given the Member of a numerous body to enlarge on the subject matter of his interest and concern which he would not be able to during ordinary debate in a limited debate environment, in a numerous body such as a 435-Member body of the House of Representatives of the United States.

So I literally have taken that and have come to the floor at the time, as I said, at the very initial point of my career here in the House and that was some 25 or 26 years ago—more than 25 years.

So that if I rise it is because I am impelled to do so by way of adding to, by way of either creative criticism; that is, if I criticize I have a suggestion; or offering suggestions where it looks very much like there is none.

So in reading these biographical sketches I noticed that they refer to me as a supporter of President Johnson, and then they add something that is not true, "and the war in Vietnam." You had better believe I was a supporter of President Johnson's domestic program. America has never had a President as interested in education and doing something about it, for he came from the teaching levels back in the grim depression eras and he taught among the poor minorities in Texas. He knew what it meant.

Lyndon Johnson was not an ideological intellectual, he did not come by that kind of liberalism by intellect, he came by gut, by gut feeling. That is why I was for the economic opportunity programs. That is what I was all

about when I made up my mind to seek public office and then stay in it, which I had never intended to, in my early manhood. So that when I say today that what I want in the RECORD is that which, hopefully, my colleagues will have some opportunity to look over and take for what it is worth. In the case of the Vietnam period, I was the only Member of the House or the Senate who raised the issue about the questionability, the unconstitutionality of a President conscripting an unwilling American and sending him out of the continental United States against his will in an undeclared war.

I brought out the history of the first peacetime draft that was passed by one vote in 1941. And the reason it passed by that one vote was that they had to add a clause to that law. And I invite my colleagues to look up the history of this law. I have. I looked up the history of the bill itself, I looked up the history of the debate pending on that bill. And it was not until that clause was placed in there saying that, "Notwithstanding any of the hereinabove, no person shall be conscripted against his will unless declaration of war or specifically provided so by the Congress."

So I got up time after time and pointed that out. Yes, it did bring the displeasure of those who surrounded President Johnson. And at one time he himself was somewhat miffed. That came later, when the protests began to swell and when the loud and raucous and the cacophonous voices of those shouting, "Hey, hey, LBJ, how many babies have you killed today?" I never did join those voices.

And so these latecomers, because I did not, insinuate that I supported the war. Well, the record is that I was the one in the House that introduced the Senator from Alaska Gruening's resolution in the Senate. He was one of those who voted against the war from the beginning together with Senator Morse of Oregon. He was a real close friend of mine. He introduced a resolution in the Senate saying:

Mr. President, pull out of your unilateral involvement in Southeast Asia and if you must let us do it, as you did in Korea, under the aegis of the United Nations.

I took that resolution, introduced it in the House and got 72 others to do likewise. At that time we did not have cosponsors like they have today. If you wanted to show that you were for a bill and wanted to be a cosponsor you introduced the same identical bill. I got 72 of my colleagues to do so. That brought about some criticism from the administration, but if that shows support, then I do not know what support really is. Anybody who knows me knows that if I am for something everybody is going to know it; if I am against something, everybody is going to know it.

And I certainly was for President Johnson's most enlightened, most progressive and the most beneficial legislation that enabled us in my hometown, where we had a dropout rate of over 80 percent among the Mexican-Americans out of high school, in 10 years' time after the passage of the Economic Opportunity Act, of which I was not only a cosponsor, I was a coauthor and was author of the section on community action; and that enabled us in 10 years to reduce the dropout rate from 82½ percent to less than 20 percent.

Tell me if there is any cause and effect about congressional programs that are targeted to help Americans, because I will give you the statistics on every one of them, from the Economic Opportunity Act of 1964 to the Elementary and Secondary Act of 1965 to the Model Cities Act which we first called demonstrations. That came out of my committee and subcommittee. It was no accident that the city of San Antonio was designated as one of the first five and was the only city south of the Mason-Dixon Line and it was the only city with a population of less than 1.5 million.

That was no accident. There was cause and effect in that too, because I had everything to do in the Subcommittee on Housing on what we first called demonstration cities but then at that time with the demonstration taking place, the word had an unpopular sound so we changed it to model cities.

So I give that as an illustration of why it is that I will stand up here while everybody is in a state of euphoria, a fact we just heard earlier, a resolution complimenting the President of Costa Rica, President Arias, for his peace plan, and we heard comments from some Members indicating that they do not quite understand what the shooting is all about, those that are for aid to the Contras. You cannot be for that and have peace in Central America. You cannot be for President Reagan and what he has done in the last 6½ years and be for peace in Central America.

What President Arias has done is far more insinuating of the destructive nature of President Reagan's administration's actions in Central America specifically, in Latin America generally.

And what is that? It is that the Central American nations, the select few, with the joinder of the so-called Nicaraguan Sandinista regime, which incidentally was freely elected by the people of Nicaragua in November 1984, a lot freer than Napoleon Duarte was elected in El Salvador where we paid for that election. We paid for all the observers we sent down. We underwrote the election in El Salvador. Do you think we were about to accept anybody being elected except some-

body that would certainly be subject to our mandate?

Today what this means is that the United States has lost whatever residual moral or political leverage, as leadership, that it could resolve. It is the ultimate outcome of a bankrupt—policy I will not call it, that is dignifying it—ever since Secretary of State Haig drew the line; he had not been in office 1 week in 1981 when he drew the line of El Salvador, the smallest country in Central America there, drew the line and said that this was an East-West confrontation. By golly, if necessary, he was going to go to the source, meaning Cuba.

What that did was merely consolidate all of those forces that would identify the United States as an enemy of their causes.

Now are those causes communistic, are Marxist-Leninist? There are five revolutionary units or groups in El Salvador alone. The least numerous, the least influential until lately when we started the fire bombing through our attack helicopters, killing dozens and dozens of elderly men, women, and children. We do not like to think that we do those things, but let me say, my colleagues, that is exactly what we have been doing. We have no moral right to get up in the halls of international assemblies and point our finger of indignation, moral or otherwise, to such countries as Russia when we are doing the identical same thing, and again egregiously wrong.

If somebody had said 10 years ago at this point in the 1980's, in the waning period of the 20th century, "You are going to get a President and an administration and Congress is going to go along to revert to the Calvin Coolidge gunboat/Marine type of policy," I would have said that is crazy, it cannot happen here.

But it is and it has and it continues.

The President has been conducting war in Central America. The Congress has not declared war.

So I introduced a resolution in 1982 in which I pointed out that the President was in violation of the War Powers Limitation Act. That is as far as I have gotten.

In the case of Nicaragua, it is even worse for we have been adjudicated by the international tribunal of justice, the World Court, guilty of terrorism.

Oh that is what the Arabs are supposed to do, that is what the Palestinians are supposed to do, that is what the Russians are supposed to do. But not Americans.

But we are. We have been tried and found guilty in the World Court of Justice.

Our reaction was to walk out and the very world tribunal that America had taken the leadership in formulating many decades ago, and which we had used to success in identical cir-

cumstances. In 1957, President Eisenhower was President. Even President Eisenhower had more enlightenment. You know they always pictured him as being a torpid sort of backward-minded type of fellow. But he had, at least he gave consent to the Secretary of State to join these four countries, Mexico and three of the South American nations, Venezuela, Colombia, and the like.

□ 1420

That was almost the identical membership of what we call today the Contadora countries. There was a dispute between Honduras and Nicaragua which had been a longstanding, sputtering dispute along the frontier there. They formed this group in order to bring about a peaceful solution that both Honduras and Nicaragua accepted.

Mind you, at that time Nicaragua was ruled by the dictator, Somoza. He was our man, our puppet. We put him in, and we kept him in power. The United States did not feel put down. It joined, and when it joined, it became the leader, and it ended up going with those other countries to the World Court in order to solve the problem. And there had not been any kind of a problem between those two countries until "President Haig" borrowed Argentine soldiers in 1981 to bring them into Honduras to attempt to destabilize a Sandinista junta which ruled at that time.

This is the history that is bearing on us today. Then I hear my colleagues, as I did this afternoon, talk about the fact that Arias was saying, "Oh, yes, but the Sandinistas don't have democracy." Well, the only democracy is in that country of Costa Rica. And what was our Ambassador trying to do when Mr. Arias himself was running for office a couple of years ago? He was trying to knock him out. We used our threat of withholding aid to try to persuade the Costa Ricans to vote against Arias.

Costa Rica had a revolution in 1949. Costa Rica is radically different from any one of those nations. El Salvador, right next to Costa Rica, is sunk in ignorance, lack of education, and poverty. Costa Rica has had mandatory, compulsory, free education for more than a hundred years. It is true, socially speaking, that it never had the indigenous situation that exists in these neighboring countries. The 1949 revolution came along because a ruling oligarchy that still controls the banks, the newspapers, and the television stations wanted to do the same thing the ruling oligarchs had been getting away with in every one of the neighboring countries, the 12 families in El Salvador, the Somoza family in Nicaragua—Somoza, who got so greedy that he had a stake in every single venture in Nicaragua. And, of course, he was anti-

Communist, so we thought he was great.

The President of Costa Rica, when he appeared here on this same floor, was very nice, but he is a very agile politician, as most of those men are. Of course, our concept is very different. The generalized stereotype of a Latin American that we have is a far cry from what reality is, and this, I think, is going to take many, many bitter lessons to learn.

Reflecting on the churning history of the centuries, while our country was barely seeing the Pilgrims land at Plymouth Rock, in Mexico City and in Cuba they already had printing presses and colleges and universities. The first all-American-born historian was Garciloso de la Vega—half Inca, half Spanish. His father, a Spanish captain, sent him to Spain to be educated. He came back and was the first historian in the New World. And what did he write? I wish my colleagues would familiarize themselves with Florida de las Incas, the Florida of the Incas, his history. The Spaniards, when they had a rebellious Indian, what they did was they imported mastiffs, huge dogs, from Spain, and if an Indian gave them any truck, any lip, as we say, they would set the dogs on him. Garciloso de la Vega was reflecting on this, and he wrote a beautiful passage that I wish I could translate in the beauty that he wrote in Spanish, but he talks about these rulers and he says this:

Ah, yes, but who is to tame a wild beast? For he of power is not susceptible to advice?

For who is to advise him?

For he accepts none, particularly those whom he considers lesser, certainly of lesser power.

In other words, we have an old saying in the United States that "if you're smart, why aren't you rich?" And presidents, I have observed, once invested with this panoply of tremendous power, seem to say, "Well, if you're so smart, how come you're not President?"

What Garciloso de la Vega was saying is, what was true in those imperious days is equally true today, because power, power of any kind, even power in this office here, uncontrolled, unaccountable, is corrupted. As Lord Acton said, total power corrupts totally. And what we are reaping is what we have sowed to the winds in our democracy, creating agencies and vast offices without demanding the accountability that the men who wrote the Constitution envisioned. And it is ironic that we celebrate the 200th year of the writing of the Constitution. We still have yet until 1989 to say that we have lived 200 years under the Constitution, under this form of government.

God is no respecter of nations. There is nothing to vouchsafe that if we continue the way we have allowed

things to continue, for the biggest, the greatest, most serious constitutional crisis since the Civil War is enveloping us, and yet it seems there is no consensus of it in these halls of deliberation. It seems there is no awareness, naturally because there is no discussion.

How can our constituents know if we do not debate, if we do not discuss? How are they going to judge? How are they going to be informed if an administration can garner the tremendous power it has under the fancy word of disinformation that this administration has gotten and used over the American press, if that power has been allowed to develop with no countervailing source of information?

We have reached that point that James Madison warned against, for he said that popular knowledge must be available in order to have popular government, "popular" meaning in that sense a people's government. Of course, that is true. This is why there is now such confusion and perplexity.

What is this all about? Why would a President say first, "Well, yes, it looks like maybe this peace plan is all right," and then, instead of what I had thought was going to be the case based on what I read in the Washington Post, the very next day the President repudiated the plan and said, "No, it was fundamentally inadequate and probably would never have worked?"

But what this means, I say to my fellow Members, is that these Central American Presidents, despite United States determined opposition—even Honduras, which we occupy and control totally—said, "Look, Mr. President, we don't care now what you want. This is what we say we want to do."

President Arias knows that he can demand of the rulers and the President of Nicaragua that they want to sit down on par and recognize a group that we have formed, we have paid for, we have armed, and who have murdered and pillaged and plundered—and killed American citizens, incidentally.

Revolutions are not Boy Scout troops courts of honor. And this is what so many of us do not understand. We do not know what a revolution is. It is a bloody thing, I say to my colleagues. That is where I came in, for I remember those beginning years as I was growing up in the midst of a group that today probably would be called refugees. At that time they were "just a bunch of Mexican greasers coming over to eat up our substance." And that was the constantly recurring turmoil of a 30-year period in the history of that great Republic of Mexico, the bloodiest revolution in its history. The Russian revolutionary leaders used it as an inspiring model, incidentally. It was not the other way around. The Mexican Revolution came first, and it was the bloodiest. Mexico had less

than 13 million in population. Over 1 million died, and more than 1 million fled, left because of the horrors and the convulsion, the disorder.

Revolutions are walking down the street and holding your nose because there is somebody hung by a lamp-post, dangling there and in the way for days, with his body decomposing and stinking. Revolution means father fighting son, brother fighting brother, mother fighting daughter, husband fighting wife. That is a revolution.

Is there any thought in anyone's mind in the United States of America that this revolution was won by these veritable heroes in Nicaragua against one of the most rotten and corrupt and tyrannical regimes in the history of the world, imposed by us on these people? For we sent in Marines in 1929 and occupied their land for 13 years until we organized the Guardia Nacional, the National Guard, and imposed the Somoza tribe on those hapless people.

It is for good reason that they called the movement Sandino's movement, in memory of Sandino. Our Marines never could catch Sandino. They tried for 13 years, but it was said afterwards that he was murdered by Somoza. That is the reason that means a vote today, I say to my friends, and you can repeat this all up and down that isthmus and south of the isthmus.

We have since the beginning attempted to divide and rule. This is despite all the churning processes of history that we have ignored, for we have been self-contained, and I guess that is the problem of the world today, even though it is contracted and even though we have instantaneous means of communicating. We know in seconds about an earthquake in Japan, but something man to man, not yet, for we want to conduct the most serious of actions, ignoring history, walking blithely into areas that we do not even understand, conceiving of ourselves in a way that the external world does not look upon us.

We do not like to think of ourselves as imperialists, and even the designers of the "good neighbor policy," including Sumner Welles, Assistant Secretary of State for Latin American Affairs under Franklin Roosevelt, who was the first 20th century leader that recognized what the future held for America, felt that we could not continue in our ignorance of history and the fact that destiny had irrevocably placed us here to share this part of the world. How we want to share it is what we are determining today.

□ 1435

It does not seem that way, but that is exactly what we have been doing. What I have been saying is that the wiser and the better choice is that which is in conformity with the interests and the hopes and aspirations of

the submissive mass for 300 years that have been victimized, tyrannized, exploited miserably, and for whom we have not had one finger lifted.

In the great revolution efforts of Simon Bolivar, the liberator, the emancipator, the one who led the fight for independence in South America, but all up and down the isthmus as well against Spain, and who naively thought that they were patterning themselves after the great American Revolution with its hopes and ideals and its promises, and the great liberator who dreamed of a great Congress of the Americas, and finally even after he was exiled and came back, called the first Congress of the American Nations in Panama City in 1826 in June.

The United States was invited, but the Secretary of State at that time was Henry Clay. What did he say?

He said, "We can't abide that. We can't have those nations together in a concert," and it is no coincidence that 2 years later we had the Monroe Doctrine.

What were the utterances of these men? Nobody has ever read about it in our American history, but we should. They did not want European intervention. They fought for freedom from Spain, and at that time the other triumvirate of nations that was trying to reach into the New World, which is why the Monroe Doctrine was ostensibly initiated and repudiated by these nations meeting in concert in 1826.

We did everything we could to break that up, and we did. We learned nothing from history.

We are like the old Bourbon kings, learn nothing and forget nothing. That is fatal, for I predict as I did in 1980, and this was before the election and before Mr. Reagan was elected, and it sounds strange that I would say it, but it is there. It is recorded.

I said, "If this man is elected, your children will be fighting in the jungles not of Southeast Asia, in the New World, the jungles of Central and South America."

So it has not happened, you say. It has. We have had better than 22 of our own soldiers killed. They were not exactly innocent bystanders.

The President has been in open and tacit violation of the War Powers Limitation Act, but the War Powers Limitation Act, as faulty as it might have been, is the law of the land.

Yet, the President and the Secretary of Defense, Mr. Weinberger, said, "We won't heed it, because we consider it unconstitutional."

If that is the case, if we have got a President, and he is on record, and we have a Secretary of Defense, and he is on record, who say that they shall pick and choose what law they shall follow, and the Congress sits by supinely and does not oversee its own enactments, then should we be surprised

if we should in history show that we have lost our liberties by increments?

That is the history of the law of liberty in all lands in all times. Free people did not lose their liberties overnight. They lost them by increments.

If a President can pick and choose the law he sees fit to obey, then he is not President, he is a king, because that is the definition of a kingly potentate. He makes the laws. That was the definition of a king.

Where did he get his power and sovereignty? Well, he got it from God, he claimed.

Our Constitution says, "We, the people of the United States," and that is the source of all power, not the President, not the Congress, not the judges or the judiciary, but the people.

When you say that today, you are immediately called a Socialist, or maybe even perhaps what is worse, a Communist.

Communists like to use the people's this, the people's that; but I am saying to the Members, we best be alerted.

The Arias peace plan can work only if we realize the implications; and that is that we have done everything we could to thwart the Contadora nations, Mexico, Venezuela, Colombia, Panama. They have put something together. It was we who tore it apart.

What Arias did was to get the Central American leaders from Guatemala to Costa Rica; and I say that, and I have suggested the better way, that I think are really exerting the true American leadership which all of us take for granted which is what we are doing, but which has not been happening and which will in the long run not proscribe our children, or grandchildren and great-grandchildren to strife and hatred among the neighbors of the New World, but rather to one which will inure to the benefits of the United States which will enable us to extricate ourselves economically, politically, diplomatically for after all, it is only when you fail diplomatically that you resort to the soldier.

I at this point wish to offer for the RECORD an article that appeared in the Christian Science Monitor on Wednesday, October 14 entitled "The U.S. stands alone on Central America" by Peter Hakim.

I submit a copy of the article referred to as follows:

[From The Christian Science Monitor, Oct. 14, 1987]

THE U.S. STANDS ALONE ON CENTRAL AMERICA

(By Peter Hakim)

United States secretaries of state, past and present, seem to believe, like Oscar Wilde, that consistency is a refuge for the unimaginative.

Both Henry Kissinger and George Shultz have urged renewed U.S. assistance to the Nicaraguan contras. In effect, they are calling on the U.S. to ignore the peace agreement reached in Guatemala by five Central

American countries, which demands an end to such assistance.

These reactions to the Guatemala accords by Secretaries Kissinger and Shultz are surprising only if one gives credibility to earlier statements by them. Last year, Dr. Kissinger urged the U.S. to "Latinize" the negotiating process to the "greatest degree possible." Now he demurs because he does not like the outcome of the "Latinized" process.

Secretary of State Shultz rejected Nicaraguan President Daniel Ortega Saavedra's call for talks between the U.S. and Nicaragua, claiming that what Washington wanted were "regional discussions designed to find an agreement." And that's just what happened. The Central American countries held regional discussions and found agreement. But the results were not to the liking of the State Department or the White House; so Mr. Shultz now proposes that the U.S. proceed as if the discussions he once advocated had simply not occurred.

It is not that Shultz and Kissinger are duplicitous men. Their transgressions in this instance are minor, and would hardly merit attention if they did not point to a broader problem in U.S. foreign policy: the U.S.'s inability to work with its allies and consistent friends, like Costa Rica, for example, to solve international problems. The U.S. now stands virtually alone in its approach to the Central American crisis.

Cooperation is clearly not suitable to every foreign policy issue. Sometimes the U.S. must pursue its own unilateral course, regardless of the advice and judgment of others. But it is cynical for the U.S. to actively promote international cooperation when it has no intention of accommodating its actions to the views of others. Multilateral approaches require concessions and compromise by all parties involved. The U.S. cannot dictate the terms of international agreement, nor can it expect other countries simply to ratify a course of action the U.S. has already decided on.

Time and again in its Central American policy, the U.S. has endorsed multilateral negotiations and then backtracked when those negotiations came close to producing agreement. Although Washington had long declared its support for the Contadora peace process, when a settlement seemed possible in mid-1986, the White House argued that Nicaragua could not be trusted to abide by any treaty. If that is the case, why did President Reagan express his "strong support" for Contadora? What did we think the Contadora group was trying to do if not to negotiate a treaty with Nicaragua?

Similarly, when Costa Rican President Oscar Arias Sánchez first put forth his peace plan last February, the U.S. was quick to endorse it. Now that these five Central American countries have agreed to a modified version of the plan, the U.S. is working to block its implementation. He now says that their agreement is "fatally flawed." President Reagan is now pressing for \$270 million in new military aid to the contras unless Nicaragua goes well beyond the conditions of that plan, signed Aug. 7 in Guatemala.

U.S. credibility has been damaged in Central America, precisely for the reason that has been suggested by Kissinger: U.S. rhetoric bears little relation to U.S. actions. But it is not that the U.S. has failed adequately to support the contras in their military struggle. It is rather that the administration has persistently sought to convince U.S. friends and allies in Latin America—not to mention Congress and the American

people—that this nation favors a diplomatic solution, when the U.S. has, in fact, been undercutting efforts to achieve one.

It may be in the best interests of the U.S. to pursue its own course of action in Central America. If the administration believes that to be the case, it should say so forthrightly. It will not make the U.S. popular, nor will it bring an end to the destructive wars in the region. It might, however, help to restore our credibility—which will be crucial when we finally decide to negotiate a settlement.

(Peter Hakim, staff director of the Inter-American Dialogue, writes frequently on U.S.-Latin American relations. The views expressed are his own).

### BREAST CANCER IN AMERICAN WOMEN

The SPEAKER pro tempore (Mr. BRENNAN). Under a previous order of the House, the gentlewoman from Ohio [Ms. OAKAR] is recognized for 60 minutes.

Ms. OAKAR. Mr. Speaker, it is not often that I take the floor during special orders to discuss a subject; but I thought the timing might be the right time to discuss a subject that has really gained another degree of prominence over the weekend with the discovery that Nancy Reagan, our First Lady, has breast cancer, and indeed did have surgery over the weekend.

We are all very, very delighted that Mrs. Reagan is doing fine and will have probably a 100-percent chance of recovery.

As a matter of fact, Dr. John Martin in an article in today's Washington Post, who is a professor of radiology and mammography, as well as Dr. Feller, a great doctor from Georgetown Hospital, and Dr. Martin said, "The real news here is having regular mammograms helped cure her," meaning Nancy Reagan, "of this disease. That is the message that should go out to thousands of women in this country."

Nancy Reagan is not the first First Lady that has had breast cancer. Betty Ford had her breast removed some years ago. Rosalynn Carter had a lump, and fortunately for Rosalynn, it was a benign lump. It was removed.

They just mirror the kind of epidemic that is going on that unfortunately we do not take notice of or do something about. There are some things we can really do.

Unless you have someone of prominence acquire the disease and it gets that kind of highlighting, in that respect, there is some good that hopefully will come out of this unfortunate situation, although Nancy Reagan is going to be fine, thank goodness.

They mirror the proportion of women who do get breast cancer. Twenty years ago 1 out of 20 women in this country got breast cancer. Today one of nine women in this country get breast cancer. Thirty-eight thousand women die of breast cancer every year, and we also know that an

additional 120,000 new cases will be diagnosed in our country alone.

For some reason, American women acquire breast cancer in a larger proportion than other countries in the world, and so out of the million cases worldwide, American women get breast cancer more often. About 120,000 get breast cancer, and today 1.5 million American women have or have had breast cancer.

My own sister had a lumpectomy, and I dare say—and she is doing fine, thank goodness—I do not think that there are many families that have not had somebody that they are close to who have had breast cancer, and it is the No. 1 or No. 2 killer of women.

The thing about it that is so interesting is that in studies that have been taken concerning health problems in American women, more American women fear getting this disease than any other disease.

While they may get lung cancer in slightly higher proportions, they are more afraid of getting breast cancer. There are several things that we can learn from Mrs. Reagan's courage, and we want to certainly commend her and the manner in which she has handled it and urged other women to get cancer screening and so on.

One thing we should do is take the fear out of this disease. We ought to say to the American women and their families; and by the way, 10 percent of the cases really relate to American men, but it is so-called the women's disease.

We ought to say to the American women, do not be afraid to check, to examine your own breasts, to have physicians do that for you, and do not be afraid to have a mammogram.

We know that we are kind of being penny-wise and pound-foolish about mammograms today.

We know, for example, that Americans spent \$3 billion in medical expenses for breast cancer in 1986 alone.

We know that Medicare, which is something we have in Congress some control over, we have something to say about what goes in Medicare and what is covered by Medicare. We know that of the \$3 billion, Medicare paid \$680 million of that total.

If you are interested in saving money in terms of health delivery and health care in this country, we know if you get breast cancer at an early stage, its cost is between \$10,000 and \$20,000. If you get it at a later stage, it is more than \$60,000, and indeed the person in late-stage breast cancer does not have a good chance for survival, so there is a lot of reasons to address the issue of breast cancer, and what we ought to be doing in Congress related to something that we have something to say about.

There are two main reasons. One is, for the sake of survival. We want

people to live longer, and certainly that applies to American women, and so we can do something about prevention.

The other issue is that it saves a lot of money if you do not have a deal with the disease in its late-stage areas, so we are not doing either.

Medicare only covers 40 percent of an individual's need. It deals with very little related to prevention. We are going to be seeing the conference report related to catastrophic illness, and I am frankly extraordinarily disappointed that the provision that related to cancer screening, and in particular mammograms, was stricken from that bill that was to come to the floor with older women to have an opportunity to have a mammogram once every 3 years free.

It does not make sense that we have not only Medicare, but hospital plans and health delivery plans that will not pay for preventing the disease, but will pay for the disease itself, and pay for the catastrophe which costs so much more money and really does not allay a person's problems with health care.

□ 1450

Why do we not put free cancer screening in Medicare? For the life of me, I cannot figure it out, because we know it is cheaper to do it that way in the long term, and in the short term there is a very short interim period where they estimate that it will cost about a dime a month if we had all the people involved paying that small amount of money in the extra premium.

We also know that it would save an awful lot of peoples' lives.

Why do we not do it? Why are not older women as fortunate as Nancy Reagan?

Well, frankly, and I do not begrudge Mrs. Reagan, she has the means to be able to afford a mammogram. The average older woman does not get a mammogram because, honestly, she cannot afford to get it, and when things are not in higher proportion in screening, when it is not in higher proportion, it costs more money, so that the average mammogram in this country costs about \$100.

It is true that in some enlightened places in the country you can get a mammogram for about \$35, but it costs anywhere from \$35 to \$250 or \$300, and the typical cost is about \$100.

Now, they had a screening project where they interviewed 10,000 women. They estimated that if you gave each of these women a mammogram that costs \$100 it would actually save the economy probably the trust fund, if they were all older women, \$850,000. So we are just not really doing the right thing.

Honestly, I think that breast cancer in women is as problematical as AIDS

is to some people in this country and we ought to view it in the same manner and the same alarm as we view other diseases. I am very concerned about the rapidity of AIDS and other types of cancer and other types of viruses.

So what I want to urge the American people to do, I really think and I do not do this very often, but I tell you, I think it is time to get mammography and colon screening for men, which is the most common difficulty for men, I think Medicare ought to cover those types of screening. We would save the trust fund a lot of money and we would save an awful lot of lives.

So I want to urge the American people to write to their Members of Congress. I think they ought to do that and say, "Get on some of these bills and get with it. You ought to be covering this type of prevention."

You know, here is the thing. You cannot find a hospital plan, unless it is an HMO, that covers cancer screening, that covers physicals, that covers mammography, that covers colon testing for men. The reason for that is that very often these hospital plans and these health plans mirror the Government-sponsored plans and because they mirror these plans, they are very seldom covered. Mammography, for example, is very, very seldom covered.

So I think you ought to force us. I hope the American women are listening or watching, because if you do not make us do the right thing, we are going to see so many of our daughters, mothers, sisters, and others, really not being as fortunate as Nancy Reagan is, because they will not catch that malignancy in time. Her doctors could not feel the lump, but the mammography showed the lump, and as a result, her chances for full recovery are almost 100 percent. We ought to be doing the same thing for every other American woman in the country.

One other area that I really would like to stress—the way, I have a bill that covers cancer screening. It is H.R. 2935. Some of my colleagues, the gentlewoman from Illinois, CARISS COLLINS, the gentleman from Arkansas, TOMMY ROBINSON, and others have bills that are very similar. Senator MIKULSKI has one on the Senate side. We have no pride of authorship. It does not matter which one passes. We just want one to pass.

One of the other areas besides prevention that we ought to be looking at is that women do have options. Women ought not to be afraid of this disease. They ought not to be afraid to ask their doctors what their options are.

Now, Nancy Reagan, for example, chose what I consider to be a somewhat conservative approach. She chose, some would say, a method that

she really did not have to choose, but it was her decision and I respect that. She chose to have her entire breast removed. Some women would choose to take a more conservative approach by just removing the lump of the tissue that was cancerous because it was a small lump. That could have been, it seems, to me, one of the options. Others would say remove the lump with radiation and others would even give other kinds of therapy.

The entire point of all this is that American women ought to understand that they have options with respect to breast cancer and sometimes they are not always told of them. They ought to take their health in their own hands in the sense that they ask questions.

Now, I have a bill that I am proud to say the State of Maryland has adopted, the same idea on a State level. It is H.R. 671, that would be based on an informed decision. In other words, the doctor would have to tell you your options. A simple way of doing it would be to give you the NIH booklet. It tells the woman about her options with respect to breast cancer.

I honestly think that a lot of women when they do see something suspicious relative to this disease are afraid to go to the doctor because they are afraid they are going to be maimed for life and they are going to have extensive surgery and that there are not an awful lot of things that will do it and take care of their problem.

The fact is that with plastic surgery, even if it is more serious, doctors, enlightened doctors, not all doctors have the same degree, unfortunately, of enlightenment, but enlightened doctors really do understand that you do not always have to remove the muscles and all the nodes. Some doctors have even removed ribs. Some of that is just way-out unnecessary surgery.

I am very proud to be from and to represent Cleveland, OH, because one of the great doctors from my hometown, who is still doing very well, is Dr. Crile, who put among other places, the Cleveland Clinic on the map, because Dr. Crile's first wife died of breast cancer and I think that may have influenced him to take another look at why so many women wait too long to get their problem cared for.

What Dr. Crile did, in fact, was discover that you could simply remove the lump with some radiation and not have to remove all the tissue and muscles and the whole breast, et cetera, and that it seemed as if, depending on the size of the lump, that the person would have the same chance of survival, rather than removing all the muscles, et cetera, that sometimes women unnecessarily have to go through.

There is another study by Dr. Bernard Fisher, who took a look at varieties of cases where women had lum-

pectomies and radiation, versus women who had radical mastectomies, and the survival rate was the same. So you do not necessarily have to be disfigured for life by having this type of surgery.

So I guess the message that I want to give today is that we ought to be doing something with prevention. We ought to have in, frankly, every hospital cancer screening, particularly for women, mammography and colon testing for men.

Is it not interesting that the President of the United States and his wife both have had those diseases, because it is very common for men and women in terms of colon problems and breast cancer. So we ought to be doing something with prevention. It makes sense. You save a person's life and, frankly, you save an awful lot of money.

Second, we ought to insist, women and men ought to insist that their doctors talk about options.

Finally, ultimately we ought to have a vaccine against cancer and that ought to be a national goal, just as having a polio vaccine was some years back which arrested that disease pretty much from our country and now we are giving our wonderful knowledge of immunology to other countries in the world.

The fact is that we have decreased the money spent on cancer research. It is very interesting to me that over the last 8 years or so we used to spend 75 percent of our research money on items such as health care, education, et cetera, and 25 of our research on the military budget. Today it is just the reverse. We spend 75 percent of American tax dollars on research for the military on how to destroy things and 25 percent on everything else.

It seems to me that, with all the wonderful work that the people are doing, immunologists and doctors and nurses and others, biochemists, are doing throughout our country, and especially at NIH, they really are barely close to discerning what those cancer cells are all about. It seems to me that if we gave them the push necessary, perhaps in the near future, we would find a vaccine for cancer so that no little child would ever have to grow up having the fear of that disease.

I hope it is within my lifetime. I personally think it can happen if we have the American willpower to see it happen.

So I want to say to our audience, whether they are in the gallery or watching at home, I hope you will tell us what to do about these diseases. We need to hear from you a little more. If we did, I think you would see many, many women, in particular in this case, as fortunate as Nancy Reagan.

Mr. Speaker, I submit the following material in the context of my discussion:

#### MAMMOGRAPHY SCREENING VERSUS THE COST OF DYING

(A report presented to the Texas State Legislature, April 1987)

The American Cancer Society has endorsed mammography screening by stating that it has proven to be the most effective tool in the early detection of breast cancer.

But mammography screening is of little value if women do not use it. One of the biggest problems we, in the medical profession, encounter is recommending a "screening" procedure which customarily costs at least \$100 and may run as high as \$160 to \$200.

The fact is that most insurance companies do not provide coverage for screening or preventive medicine but will only pay for mammography after a palpable mass has been found in the breast. At this point it is usually too late.

To cure breast cancer it must be detected early, preferably before it has advanced to the palpable stage. Studies have clearly shown that cancerous masses can be seen on mammograms as much as three years before it can be felt.

In fact, the most comprehensive study of its type, the Breast Cancer Detection and Demonstration Project, which screened 280,000 asymptomatic women (women who had no symptoms of cancer, no family history, no palpable masses) found 3,500 early cancers and this project also proved that mortality could be decreased by 42% if asymptomatic women were routinely screened.

The overwhelming response from women to the Texas Breast Screening Project, a recent campaign launched by the American Cancer Society, is a clear indication that women are becoming better educated about the importance of early screening and would be willing to use it if it were affordable.

Although we are encouraged that over 20,000 women took advantage of the ACS's program which offered screening at a special low price of \$50, I realize that for many women taking even \$50 from an already limited household budget may impose a hardship.

I am sure that in the future the price of mammography will be more affordable for most women. Until that time, which could be many years away, there are thousands of women who would benefit if insurance companies and medicare could be persuaded to cover the cost of screening.

Perhaps the most important message we must convey to insurance carriers is that it is very expensive to cover the cost incurred by a patient who is dying from metastatic breast cancer. In fact, the total costs are so high that there can be no true comparison between the cost of dying and those incurred for yearly screenings and if cancer is detected early, the cost of a mastectomy or lumpectomy.

The enclosed report shows the hospital costs of some of my patients who have died recently from metastatic breast cancer. Please note that on all of these patients this total amount DOES NOT include the cost of the mastectomy which was done elsewhere. It represents only the costs involved in providing hospital care as they waited to die. Also note that these figures do not include the oncologist's fees which range from \$1,700 to \$2,000 nor the primary care physician's fee which can range from \$500 to \$1,000, nor any other physician fees (interpretation, consulting, and so forth) who may be involved in the care.

In essence, these figures reflect what it costs to go into a hospital and die once cancer has spread past a treatable stage.

Another factor for consideration is the cost of the various "treatments" normally prescribed for the women with advanced disease or recurrent disease such as chemotherapy and radiotherapy. A two year course of chemotherapy usually costs \$9,600 and radiotherapy is around \$5,000. Among the other "hidden" costs for the women dying from breast cancer are medications, rehabilitative or physical therapy treatments, and home nursing care. The purchase of a "good" prosthesis is close to \$300.

Of course, we could never put a figure on the emotional costs of breast cancer—for some women, it has meant more than the loss of a breast but also the loss of husbands, family, friends and, most importantly, any feelings of self worth. In many cases, it has meant the loss of their jobs, which later on impacts their "eligibility" for insurance coverage with a new employer.

If we took the "lowest" figure from my report and added even a portion of the above costs, the most conservative total would be a fraction of what it would have cost to screen the same woman on an annual basis and to have treated her cancer at an earlier, and therefore curable stage. Most importantly, if this woman had been screened and treated as described, we wouldn't be discussing a woman who has died from breast cancer!

If, on the other hand, we added the additional costs to the highest figure from my report, then we have a more accurate sum of the true cost involved when a woman dies from breast cancer.

It should be obvious that the costs of annual screening and a curative mastectomy are substantially lower than the ultimate costs involved in caring for a patient who is treated when the cancer has moved to a more advanced stage.

Because of patient confidentiality, I have protected the identity of my patients in the attached report. However, I can verify that these figures are accurate and reflect true hospital stays. Should you require additional information concerning any or all of these patients, I would be glad to contact their families for release of such information.

Thank you for your time and consideration.

DIXIE MELILLO, M.D.,  
General Surgeon.

#### Hospital charges for breast cancer patients [Does not include cost of mastectomy]

	Charges
Patient No. 1, E.A. (1st admission date, Oct. 31, 1984; last admission date, Mar. 26, 1986; total number of admissions, 7) .....	\$52,257
Patient No. 2, A.J. (1st admission date, Aug. 25, 1985; last admission date, Apr. 16, 1986; total number of admissions, 7) .....	36,886
Patient No. 3, O.L. (1st admission date, Mar. 20, 1985; last admission date, Sept. 7, 1986; total number of admissions, 5) .....	29,821
Patient No. 4, D.K. (1st admission date, Apr. 5, 1985; last admission date, Jan. 6, 1986; total number of admissions, 4) .....	21,433
Patient No. 5, R.P. (1st admission date, June 27, 1985; last admission date, June 3, 1986; total number of admissions, 9) ..	16,285

Patient No. 6, B.H. (1st admission date, Feb. 21, 1982; last admission date, Apr. 22, 1986; total number of admissions, 7).. 10,960

Please note: the following patient is currently hospitalized and not expected to live. These charges represent hospital charges for only a nine-month period. This patient is only 40 years old.

Patient No. 7, C.J. (1st admission date, July 3, 1986; number of admissions, 6) ..... \$59,840

H.R. 2935

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. COVERAGE OF AN ANNUAL MAMMOGRAM UNDER THE MEDICARE PROGRAM**

(a) IN GENERAL.—Section 1862 of the Social Security Act (42 U.S.C. 1395y) is amended by adding at the end the following new subsection:

“(j)(1) Notwithstanding paragraphs (1) and (7) of subsection (a), payment may be made under part B for an annual mammographic procedure (meeting the requirements of paragraph (2)), for a woman 65 years of age or older, for the purpose of diagnosis of breast cancer.

“(2) A mammographic procedure meets the requirements of this paragraph only if—  
“(A) it is a standard 4-view radiological mammographic procedure (with 2 views per breast) produced on equipment which is dedicated specifically for mammography and which provides a maximum radiation exposure level of not more than ½ rad per view;

“(B) it is performed by a technologist who is certified as qualified to perform the procedure by a State or by such an appropriate organization as the Secretary specifies in regulations; and

“(C) the results of the procedure are interpreted by an individual who is certified as qualified to interpret the results by a State or by such an appropriate organization as the Secretary specifies in regulations.”.

(b) PAYMENT.—Section 1833 of such Act (42 U.S.C. 1395l) is amended by adding at the end the following new subsection:

“(m)(1) Notwithstanding any other provision of this part, with respect to expenses incurred for an annual mammographic procedure payment for which may only be made under this part because of the operation of section 1862(j), there shall be considered as incurred expenses for purposes of subsection (a) an amount not to exceed the cap amount established under paragraph (2).

“(2)(A) For purpose of paragraph (1) and subject to subparagraph (B), the cap amount established under this paragraph is \$50.

“(B) The Secretary shall review the cap amount established under this paragraph and may adjust such cap amount from time to time as may be appropriate.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to mammographic procedures conducted on or after January 1, 1988, without regard to whether or not final regulations have been promulgated to carry out such amendments on or before such date.

Charges

**SPECIAL ORDERS GRANTED**

By unanimous consent, permission to address the House, following the legislative programs and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KASICH) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, on October 22.

Mr. LEACH of Iowa, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. RODINO, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GRAY of Illinois, for 5 minutes, today.

Mr. GAYDOS, for 60 minutes, each day, on October 20 and 21.

Mr. FRANK, for 60 minutes, on October 21.

Mr. OWENS of New York, for 5 minutes each day, on October 19, 20, 21, and 22.

Mr. DYMALLY, for 60 minutes on October 20.

Ms. OAKAR, for 60 minutes, today.

Mr. GONZALEZ, for 30 minutes each day, on October 20 and 21.

Mr. GONZALEZ, for 60 minutes on October 22.

(The following Member (at the request of Ms. OAKAR) to revise and extend his remarks and include extraneous material:)

Mr. ALEXANDER, for 45 minutes, on October 22.

**EXTENSION OF REMARKS**

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KASICH) and to include extraneous matter:)

Mr. SMITH of New Jersey.

Mr. MARLENEE.

Mr. LAGOMARSINO.

Mr. LEWIS of California.

Mr. RITTER.

Mr. BLILEY.

Miss SCHNEIDER.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. LaFALCE.

Mr. SKELTON in three instances.

Mr. RODINO.

Mr. LIPINSKI.

Mr. MILLER of California.

Mr. SOLARZ.

Mr. LEVINE of California.

Mr. WISE.

Mr. FLORIO in two instances.

Mr. DINGELL.

**SENATE JOINT RESOLUTIONS REFERRED**

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 53. Joint resolution to designate the period commencing November 22, 1987, and ending November 28, 1987, as “American Indian Week”; to the Committee on Post Office and Civil Service.

S.J. Res. 144. Joint resolution designating the week beginning October 18, 1987, as “Financial Independence Week”; to the Committee on Post Office and Civil Service.

S.J. Res. 168. Joint resolution designating the week beginning October 25, 1987, as “National Adult Immunization Awareness Week”; to the Committee on Post Office and Civil Service.

S.J. Res. 171. Joint resolution designating the week beginning November 8, 1987, as “National Women Veterans Recognition Week”; to the Committee on Post Office and Civil Service.

S.J. Res. 198. Joint resolution to designate the week beginning on November 2, 1987, and ending on November 8, 1987, as “National Tourette Syndrome Awareness Week”; to the Committee on Post Office and Civil Service.

**ENROLLED BILLS SIGNED**

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 317. An act to amend the Wild and Scenic Rivers Act by designating a segment of the Merced River in California as a component of the National Wild and Scenic Rivers System;

H.R. 2741. An act to authorize the minting of commemorative coins to support the training of American athletes participation in the 1988 Olympic Games; and

H.R. 2782. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development; space flight, control and data communications; construction of facilities; and research and program management; and for other purposes.

**SENATE ENROLLED BILLS SIGNED**

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1417. An act to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the programs established in such act, and for other purposes; and

S. 1628. An act to extend the Aviation Insurance Program for 5 years.

**ADJOURNMENT**

Ms. OAKAR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3:03 p.m.), the House adjourned until tomorrow, Tuesday, October 20, 1987 at 12 noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2252. A letter from the Assistant General Counsel (Legal Counsel), Department of Defense, transmitting a report of individuals who during the past 3 years held positions of GS-13 or above within the Department and filed DD Form 1787, report of DOD and defense related employment for fiscal year 1986, pursuant to 10 U.S.C. 2397(e); to the Committee on Armed Services.

2253. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notification of the decision to convert to contractor performance the public works facilities at the Naval Air Station, Cecil Field, FL, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

2254. A letter from the Secretary of the Navy, transmitting notification of the proposed transfer of the obsolete submarine ex-Turbot (ex-SS-427) to Dade County, FL, for use as an artificial fishing reef, pursuant to 10 U.S.C. 7308(c); to the Committee on Armed Services.

2255. A letter from the Secretary of Energy, transmitting a copy of energy information requirements on targets for net imports, domestic production and end-use consumption of energy for calendar years 1985, 1990, 1995, and 2000, pursuant to 42 U.S.C. 7363(a); to the Committee on Energy and Commerce.

2256. A letter from the Administrator, General Services Administration, transmitting a report summarizing and analyzing the reports submitted by executive agencies showing the amount of personal property furnished to non-Federal recipients, pursuant to 40 U.S.C. 483(e); to the Committee on Government Operations.

2257. A letter from the Associate Commissioner, U.S. Customs Service, Department of the Treasury, transmitting a report entitled, "Anti-Drug Law Enforcement and Its Impact," prepared at the request of the Service; to the Committee on the Judiciary.

2258. A letter from the General Accounting Office, transmitting a report on the assessment of the Export-Import Bank's role in providing export credit insurance, pursuant to Public Law 99-472, section 16 (100 Stat. 1205); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

2259. A letter from the Chairman, National Transportation Safety Board, transmitting copies of the Board's 1989 budget submission, pursuant to 49 U.S.C. app. 1903(b)(7); jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

2260. A letter from the Comptroller General, transmitting a report on the agency's analysis of the availability of insurance for individuals who may be liable for releases of hazardous substances into the environment, pursuant to 42 U.S.C. 1951; jointly, to the Committees on Government Operations, Energy and Commerce, and Public Works and Transportation.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Omitted from the Record of Oct. 15, 1987]*

Mr. UDALL: Committee on Interior and Insular Affairs: H.R. 3479. A bill to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes; with amendments (Rept. 100-377). Referred to the Committee of the Whole House on the State of the Union.

*[Submitted Oct. 19, 1987]*

Mr. ROSTENKOWSKI: Committee on Ways and Means: H.R. 2167. A bill to amend the Railroad Unemployment Insurance Act to assure sufficient resources to pay benefits under the act, to increase the maximum daily benefit provided under the act, and for other purposes; with amendments (Rept. 100-02, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce: H.R. 2683. A bill to amend the Atomic Energy Act of 1954 to improve security procedures, and for purposes; (Rept. 100-223, Pt. 2). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture: H.R. 3492. A bill entitled the "Rural Crisis Recovery Program Act of 1987" (Rept. 100-379). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIEL: Committee on Armed Services: H.R. 2873. A bill to prohibit the Secretary of Defense or Secretary of a military department to enter into any overseas contract that allows for the payment of severance pay greater than the typical rate of severance pay in the United States or that requires the Government to reimburse a contractor for overseas banking services for bad debt expenses (Rept. 100-380). Referred to the Committee of the Whole House on the State of the Union.

#### REPORT OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRYANT: Committee on the Judiciary: H.R. 2358. A bill with an amendment (Rept. 100-381). Referred to the Committee of the Whole House.

#### REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

*[Omitted from the Record of Oct. 15, 1987]*

Mr. UDALL: Committee on Interior and Insular Affairs: H.R. 2851. A bill to amend the Mineral Lands Leasing Act of 1920 to reform the onshore oil and gas leasing program; with an amendment; referred to the Committee on the Judiciary for a period ending not later than November 6, 1987 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause

1(m), rule X (Rept. 100-378, Pt. 1). Ordered to be printed.

#### SUBSEQUENT ACTION ON BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X:

*[The following action occurred on Oct. 16, 1987]*

The Committee on Energy and Commerce discharged from further consideration of H.R. 1570; H.R. 1570 referred to the Committee of the Whole House on the State of the Union.

H.R. 2683 referred to the Committees on Energy and Commerce and the Judiciary extended for a period ending not later than October 19, 1987.

*[Submitted Oct. 19, 1987]*

The Committee on the Judiciary discharged from further consideration of H.R. 2683. H.R. 2683 referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. WYDEN, Mr. PANETTA, Mr. HORTON, Mr. WALGREN, Mr. RICHARDSON, Mr. MARKEY, Mr. COELHO, Mr. BROWN of California, Mr. SCHUETTE, Mr. DURBIN, Mr. TRAXLER, Mr. SMITH of Florida, and Mr. WEISS):

H.R. 3504. A bill to require the Secretary of Health and Human Services to make improvements in the management systems available and in the activities carried out to review food products for compliance with the pesticide tolerance requirements of the Federal Food, Drug, and Cosmetic Act and for other purposes; to the Committee on Energy and Commerce.

By Mr. McGRATH:

H.R. 3505. A bill to make permanent the existing provisions of titles IV and XVI of the Social Security Act which provide for the exclusion from income of in-kind assistance furnished on the basis of need to AFDC and SSI recipients; to the Committee on Ways and Means.

#### MEMORIALS

Under clause 4 of rule XXII,

223. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to fishing; jointly to the Committees on Ways and Means and Merchant Marine and Fisheries.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1635: Mrs. SCHROEDER, Mr. MARTINEZ, and Mr. SMITH of New Hampshire.

H.R. 1721: Mr. VANDER JAGT.

H.R. 1729: Mr. ROE and Mr. PERKINS.

H.R. 1782: Mrs. VUCANOVICH, Mr. MURTHA, Mr. TORRICELLI, Mr. DAVIS of Illinois, Mr. DANIEL, Mr. ERDREICH, Mr. CLARKE, Mr. VIS-

CLOSKY, Mr. TAUKE, Mr. SUNDQUIST, Mr. FAWELL, Mr. MINETA, and Mr. GALLO.

H.R. 1955: Mr. KONNYU, Mr. UPTON, and Mr. CARR.

H.R. 2248: Mr. CLAY, Mr. WEISS, and Mr. LOWRY of Washington.

H.R. 2272: Mr. EDWARDS of Oklahoma.

H.R. 2586: Mr. BAKER, Mr. AKAKA, Mr. COUGHLIN, Mr. MANTON, Mr. ROTH, Mr. ROE, Mr. WEISS, Mr. DANNEMEYER, Mr. CLAY, Mr. PURSELL, Mr. BONIOR of Michigan, Mr. NICHOLS, Mr. OBERSTAR, Mr. MINETA, Mr. BUECHNER, Mr. ROBINSON, Mr. BIAGGI, Mr. COELHO, Mr. SMITH of New Hampshire, Mr. HOCHBRUECKNER, Mr. CARPER, and Mr. LOWERY of California.

H.R. 2694: Mr. EDWARDS of California.

H.R. 2804: Mrs. COLLINS.

H.R. 2858: Mr. FASCELL and Mr. GRAY of Illinois.

H.R. 2859: Mr. TORRICELLI, Mr. SHAYS, and Mr. STUDDS.

H.R. 3005: Mr. GRAY of Illinois.

H.R. 3071: Mr. STOKES.

H.R. 3112: Mr. GONZALEZ, Mr. CAMPBELL, Mr. HAWKINS, Mr. BRYANT, Mr. BONIOR of Michigan, and Mr. RANGEL.

H.R. 3154: Mr. EDWARDS of California, and Mr. FOGLIETTA.

H.R. 3171: Mr. PORTER, Mr. KOLBE, and Mr. DORNAN of California.

H.R. 3268: Mr. HUNTER and Mr. SMITH of Texas.

H.R. 3288: Mr. ANNUNZIO and Mr. LANTOS.

H.R. 3344: Mr. NAGLE.

H.R. 3433: Mr. OWENS of New York, Mr. GREEN, Mr. BONKER, Mr. FOGLIETTA, Mr. MRAZEK, Mr. LAFALCE, and Mr. RANGEL.

H.R. 3460: Mr. EDWARDS of California, Mr. HAMMERSCHMIDT, Mr. APPEGATE, Mr. STUMP, Mr. MICA, Mr. McEWEN, Mr. PENNY, Mr.

BURTON of Indiana, Mr. STAGGERS, Mr. BILIRAKIS, Mr. ROWLAND of Georgia, Mr. ROWLAND of Connecticut, Mr. BRYANT, Mr. SMITH of New Hampshire, Mr. FLORIO, Mr. DAVIS of Illinois, Mr. GRAY of Illinois, Mr. KANJORSKI, Mr. ROBINSON, Mr. STENHOLM, Mr. HARRIS, Mr. JOHNSON of South Dakota, Mr. LEATH of Texas, Mr. HEFNER, Mr. JENKINS, and Mr. RICHARDSON.

H.R. 3478: Mr. TRAFICANT.

H.J. Res. 50: Mr. HOWARD, Mr. McCLOSKEY, Mr. VALENTINE, Mrs. COLLINS, Mr. HANSEN, Mr. GONZALEZ, Mr. MACK, Mr. PANNETTA, Mr. TRAFICANT, Mr. CLAY, Mr. AUCCOIN, and Mr. FOGLIETTA.

H.J. Res. 192: Mr. DiOGUARDI.

H.J. Res. 330: Mr. DYMALLY, Mr. SHARP, Mr. FUSTER, Mr. HAYES of Illinois, Mr. KILDEE, Ms. PELOSI, Mr. WEISS, Mr. MRAZEK, Mr. DELLUMS, Mr. BERMAN, Mrs. COLLINS, Mr. BIAGGI, Mr. OWENS of Utah, Mr. GONZALEZ, Mr. SIKORSKI, Mr. GILMAN, Mr. DE LUGO, Mr. PORTER, Mr. STUDDS, Mr. CONYERS, and Mr. MINETA.

H. Con. Res. 15: Mr. BURTON of Indiana.

H. Con. Res. 158: Mr. DORNAN of California and Mr. CARDIN.

H. Con. Res. 193: Mr. SCHAEFER, Mr. PORTER, and Mr. BUSTAMANTE.

H. Con. Res. 199: Mr. BLAZ.

H. Con. Res. 200: Mr. CLARKE.

H. Res. 131: Mr. GARCIA, Mr. SUNIA, Mr. SOLARZ, Mr. GEUDENSON, Mr. LEACH of Iowa, and Mr. MATSUI.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3071: Mr. MONTGOMERY.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

85. The SPEAKER presented a petition of the Michigan Department of Natural Resources, Lansing, MI, relative to continued use and construction of confined disposal facilities; which was referred to the Committee on Public Works and Transportation.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1720

By Mr. BROWN of Colorado:

1. In subsection (h)(6) of the proposed new section 416 (Page , line ), strike out "... the current pay scale for that position, or, if there is no current pay scale for that position,".

2. Strike the entire subsection (h)(8) in the proposed new section 416 (Page , line).

3. Strike the entire subsection (j)(1)(B) in the proposed new section 416 (Page , line).

4. Strike subsection (a)(1)(B) of section 201 (Page , line ).